

Also, petitions of citizens of the State of Kansas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Mothers' Club and churches in Iola, Kans., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of German societies in the State of Kansas, protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of Maryland Association of Certified Public Accountants, protesting against employment by the United States Government of chartered accountants to the exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of the Board of Commissioners of Highways of Grant Township, Douglas County, Kans., for improvement of the highway between Forts Leavenworth and Riley, in Kansas; to the Committee on Military Affairs.

Also, memorials of the Wisconsin Country Life Conference Association and the Golden Belt Educational Association, of Kansas, for establishing agricultural extension departments in connection with agricultural colleges; to the Committee on Agriculture.

Also, memorial of the Board of Commissioners of Kansas City, Kans., for improvement of a certain portion of the Missouri River; to the Committee on Rivers and Harbors.

Also, petition of Post No. 51, Department of Kansas, Grand Army of the Republic, protesting against proposed incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

Also, petition of members of Improved Order of Red Men of second congressional district of Kansas, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of the Chamber of Commerce of Pittsburg, Kans., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Petition of George Cleveland and 60 other citizens of Delaware County, Ohio, asking for the extension of the parcel post; to the Committee on the Post Office and Post Roads.

## SENATE.

FRIDAY, March 22, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with.

### FORTIFICATIONS APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist on its amendments and agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. PERKINS, Mr. SMOOT, and Mr. OVERMAN conferees on the part of the Senate.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 19342) to amend section 2455 of the Revised Statutes of the United States, relating to isolated tracts of public land.

The message also announced that the House had passed the bill (S. 3475) extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1332. An act regulating Indian allotments disposed of by will;

H. R. 1047. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize

the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes";

H. R. 12211. An act to amend the act of February 18, 1909 (35 Stat. L., p. 626) entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes";

H. R. 13417. An act granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes;

H. R. 14925. An act to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910;

H. R. 16101. An act providing for patents to homesteaders on the ceded portion of the Wind River Reservation in Wyoming;

H. R. 18661. An act to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906;

H. R. 19071. An act granting extension of time to the St. Cloud Electric Power Co. to construct a dam across the Mississippi River;

H. R. 19418. An act to amend section 5 of an act entitled "An act to regulate fees and costs, and for other purposes," approved February 22, 1875;

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.;

H. R. 20491. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors of said war;

H. J. Res. 239. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Army and Navy Union, United States of America;

H. J. Res. 263. Joint resolution to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal; and

H. J. Res. 276. Joint resolution authorizing the Secretary of Agriculture to make an exhibit at the Fifth National Corn Exhibition, at Columbia, S. C.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of Cigar Makers' Local Union of Bayamon, P. R., praying for the enactment of legislation granting to citizens of Porto Rico the right to become citizens of the United States, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of the congregation of the Friends Church of North Loup, Nebr.; of the Woman's Foreign Missionary Society of Mazon, Ill.; and of the Woman's Christian Temperance Unions of Mazon, Ill., and Fulton, Ky., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD (for Mr. GAMBLE) presented a petition of sundry citizens of Okmulgee County, Okla., praying that an appropriation be made to continue the district Indian agencies in eastern Oklahoma, which was referred to the Committee on Indian Affairs.

He also (for Mr. GAMBLE) presented memorials of sundry citizens of Nowata and Durant, Okla., remonstrating against the discontinuance of the district Indian agencies in eastern Oklahoma, which were referred to the Committee on Indian Affairs.

He also (for Mr. GAMBLE) presented petitions of sundry citizens of Akron, Iowa; of Bridgewater, Brookings, Centerville, Sistersville, Meadow, and Sturgis, S. Dak.; and of Cambria, Wis., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. GAMBLE) presented a petition of members of the Commercial Club of Ardmore, S. Dak., praying for the enactment of a more favorable immigration law, which was ordered to lie on the table.

Mr. WETMORE presented resolutions in the nature of a petition adopted by the Rhode Island Business Men's Association, in convention at Providence, R. I., favoring the enactment of legislation to provide for the establishment of an international commission to investigate the high cost of living, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of North Smithfield, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of Peterborough, Brookline, and East Alstead, all in the State of

New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Lebanon, N. H., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. TOWNSEND presented a memorial of the Packard Motor Car Co., of Detroit, Mich., remonstrating against the enactment of legislation to regulate the use of motor boats, which was referred to the Committee on Commerce.

He also presented a petition of Local Union No. 12, International Photo-Engravers' Union, of Detroit, Mich., praying for the enactment of legislation to protect the labels on union-made products in the District of Columbia, which was referred to the Committee on the Judiciary.

He also presented the memorial of P. H. Peters, of Davison, Mich., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Grange No. 115, Patrons of Husbandry, of Williamston, Mich., remonstrating against any reduction being made in the duty on wool, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Sand Lake, Coopersville, Hartland, and Sault Ste. Marie, all in the State of Michigan, remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented the memorial of E. M. Brewer, of Byron Center, Mich., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Alton, L'Anse, Baraga, Lakeview, Pere Cheney, Schultz, Henderson, Grand Haven, and Kingsley, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Lawton, Portage, and Williamston, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. MYERS presented a petition of sundry citizens of Anaconda, Mont., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. FLETCHER presented a petition of sundry citizens of Palma Solá, Fla., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Floral City, Fla., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Paul Hatch Camp, No. 1116, United Confederate Veterans, of Mayo, Fla., praying that an appropriation be made providing for the settlement of the so-called cotton-tax claims, which was referred to the Committee on Claims.

Mr. NELSON presented petitions of sundry citizens of Gary, Ada, and Farris, all in the State of Minnesota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Hazel, Minn., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit the use of phosphorus in the manufacture of matches, which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Zuma, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Fancy Prairie and Mount Carmel, in the State of Illinois, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Farmington, Ill., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented a petition of members of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the improvement of the foreign service, which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented petitions of sundry citizens of San Francisco and Stockton, in the State of California, praying for the enactment of legislation to exempt American vessels from tolls when passing through the Panama Canal, which were referred to the Committee on Inter-oceanic Canals.

He also presented a petition of sundry citizens of Healdsburg, Cal., praying for the extension of the Rural Free Delivery Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. BOURNE presented a petition of sundry citizens of Oregon City, Portland, and Gladstone, all in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 5246) to redeem a certain outstanding certificate of indebtedness issued by the late board of audit of the District of Columbia, and for other purposes, reported it with an amendment and submitted a report (No. 498) thereon.

He also, from the same committee, to which was referred the bill (H. R. 12623) to incorporate the American Numismatic Association, reported it without amendment and submitted a report (No. 499) thereon.

Mr. LODGE, from the Committee on Foreign Relations I report back favorably with an amendment the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911, and I submit a report (No. 501) thereon. I desire to say that while the committee is unanimous in favor of the bill, there is a division of opinion in the committee as to the amendment which is recommended by the majority, and especially in regard to the limitation of the closed season.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. NELSON, from the Committee on Territories, to which was referred the bill (S. 5629) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, reported it with an amendment and submitted a report (No. 500) thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4604) to increase the limit for purchase of site and the erection of a custohouse at Wilmington, N. C., reported it with an amendment.

Mr. MYERS, from the Committee on Indian Affairs, to which was referred the bill (S. 5674) for the relief of Indians occupying railroad lands, reported it without amendment and submitted a report (No. 502) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 5937) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce, which was agreed to.

Mr. CHAMBERLAIN, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally with amendments and submitted a report (No. 503) thereon:

S. 4204. A bill to provide for the final settlement with the Tillamook Tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851;

S. 4205. A bill to provide for the final settlement with the Clatsop Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 5, 1851;

S. 4533. A bill to provide for a final settlement with the Kathlamet Band of Chinook Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851;



S. 4534. A bill to provide for a final settlement with the Wheelappa Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unrati- fied treaty between said parties dated August 9, 1851;

S. 4535. A bill to provide for a final settlement with the Lower Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unrati- fied treaty between said parties dated August 9, 1851;

S. 4536. A bill to provide for a final settlement with the Waukimum Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unrati- fied treaty between said parties, dated August 8, 1851; and

S. 4537. A bill to provide for a final settlement with the Nuc- quee-clah-we-muck Tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unrati- fied treaty between said parties, dated August 7, 1851.

Mr. BROWN, from the Committee on Territories, to which was referred the bill (S. 5254) to provide for compulsory edu- cation of the children of Alaska, and for other purposes, re- ported it without amendment and submitted a report (No. 504) thereon.

Mr. BOURNE, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 5874. A bill to increase the limit of cost for the erection and completion of the United States post-office building at Al- bany, Ore. (Report No. 505); and

S. 5877. A bill to increase the limit of cost for the erection and completion of the post-office building at The Dalles, Ore. (Report No. 506).

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 5972) to establish a public health service, and for other purposes; to the Committee on Public Health and Na- tional Quarantine.

By Mr. CRAWFORD (for Mr. GAMBLE):

A bill (S. 5973) authorizing the Secretary of the Interior to cause allotments to be made to the Indians of the Morongo In- dian Reservation in California; to the Committee on Indian Affairs.

By Mr. TOWNSEND:

A bill (S. 5974) granting an increase of pension to James H. Crosser (with accompanying paper); to the Committee on Pen- sions.

By Mr. WORKS:

A bill (S. 5975) granting an increase of pension to Mary A. Connolly (with accompanying papers); to the Committee on Pen- sions.

By Mr. CHILTON:

A bill (S. 5976) for the relief of Mrs. C. A. Smith; to the Committee on Claims.

A bill (S. 5977) granting an increase of pension to Catherine Thomas; and

A bill (S. 5978) granting an increase of pension to Austin B. Wells; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5979) for the relief of heirs or estate of W. R. Smith, deceased (with accompanying paper); to the Committee on Claims.

By Mr. PENROSE:

A bill (S. 5980) granting an increase of pension to Samuel P. Shaffer;

A bill (S. 5981) granting a pension to Sallie B. Smith (with accompanying paper); and

A bill (S. 5982) granting an increase of pension to Henry M. Lavo (with accompanying papers); to the Committee on Pen- sions.

By Mr. POINDEXTER:

A bill (S. 5983) to amend an act approved February 19, 1909, entitled "An act to provide for an enlarged homestead"; to the Committee on Public Lands.

Mr. WARREN introduced a bill (S. 5984) to provide for the sale of certain real estate in Washington, D. C., belonging to the United States, which was read twice by its title and re- ferred to the Committee on the District of Columbia.

Mr. HEYBURN. I suggest that the bill introduced by the Senator from Wyoming [Mr. WARREN] and referred to the Com- mittee on the District of Columbia should go to the Committee on Public Lands, as it provides for the sale of public lands.

Mr. GALLINGER. I have no objection to the bill going to the Committee on Public Lands.

The VICE PRESIDENT. The bill will be referred to the Committee on Public Lands.

By Mr. THORNTON:

A bill (S. 5985) for the relief of heirs of Francis Palombo, deceased (with accompanying paper); and

A bill (S. 5986) for the relief of heirs or estate of Sebastian U. D. Schlatre, deceased (with accompanying paper); to the Committee on Claims.

By Mr. OWEN:

A bill (S. 5987) relative to restrictions on allotted Indian lands in the State of Oklahoma; to the Committee on Indian Affairs.

A bill (S. 5988) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on Public Lands.

By Mr. MARTIN of Virginia:

A bill (S. 5989) for the relief of the estate of Peter McEnery, deceased; to the Committee on Claims.

#### AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. RICHARDSON submitted an amendment proposing to appropriate \$14,000 for improving Little River, Del., etc., in- tended to be proposed by him to the river and harbor appro- priation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appro- priate \$40,000 for improving the Potomac River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CRANE submitted an amendment relative to the read- justment of the accounts of the persons, firms, or corporations who have been contractors for dredging in connection with the improvement of the harbor at Boston, Mass., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$250,000 for improving north of Pollock Rip Channel, from the shoals lying near the entrance to Nantucket Sound, Mass., etc., intended to be proposed by him to the river and harbor appro- priation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,610 for improving the harbor at New Bedford and Fair Haven, Mass.; etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Com- mittee on Commerce and ordered to be printed.

DR. HARVEY W. WILEY.

Mr. MARTINE of New Jersey submitted the following reso- lution (S. Res. 256), which was read:

*Resolved*, That the Senate has learned with much regret of the res- ignation of Dr. Harvey W. Wiley, head of the Pure Food Bureau of the United States Government. We feel that his services while at the head of that department have been of incalculable value to the American people, and take this opportunity to express our confidence in his great ability and the splendid service he has rendered to this country.

Mr. GALLINGER. Let the resolution go over, Mr. President. The VICE PRESIDENT. The resolution will go over under the rule, on objection.

#### ADJOURNMENT TO MONDAY.

Mr. GALLINGER. In view of the fact, Mr. President, that the Senate has accepted an invitation to attend the memorial exercises to-morrow, I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

#### PAYMENT OF MONEY IN POLITICAL CAMPAIGNS.

Mr. GALLINGER. I submit a resolution, in the nature of a substitute for Senate resolution No. 242, directing the Com- mittee on Post Offices and Post Roads to inquire into and report to the Senate whether post-office inspectors are being sent through the country to influence postmasters to aid in the elec- tion of delegates for or against any candidate for the Presi- dency, and so forth. I ask that the resolution lie on the table and be printed.

The resolution was read, ordered to lie on the table, and to be printed, as follows:

*Resolved*, That the Committee on Post Offices and Post Roads is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable whether post-office inspectors or other officials were sent at any time during the year 1904 or are now being sent through the country as political emissaries to influence postmasters to aid in the election of delegates for or against any candidate for the Presidency; also to inquire into and report to the Senate whether postmasters with good official records were in 1904 or are now being threatened directly or indirectly with removal or discipline if they gave or failed to give their support to certain candidates for delegates to national conven- tions or for the Presidency; also to inquire into and report to the Senate whether in 1904 appointments were made, or were promised

to be made, to influence the election of delegates to the Republican national convention, and also to inquire further into the truth or falsity of the reports that certain nominations for postmasters that were made to the Senate on various dates and withdrawn on February 19, 1912, were withdrawn for the purpose of influencing the action of certain politicians in the State of North Carolina in regard to holding conventions and electing delegates to the Republican national convention of 1912; and for this purpose they are authorized to sit during the session of Congress at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings, and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS (S. DOC. NO. 453.)

Mr. CULBERSON. I ask that the address delivered by Hon. Cushman K. Davis on the cotton tax, January 23, 1900, be printed as a Senate document.

The VICE PRESIDENT. Without objection, the order will be entered.

The order as agreed to was reduced to writing, as follows:  
*Ordered*, That the address delivered by Hon. Cushman K. Davis on the cotton tax, January 23, 1900, CONGRESSIONAL RECORD, volume 33, Part 2, page 1068 et seq., be printed as a Senate document.

ADDRESSES BY PRESIDENT TAFT.

Mr. CULLOM. I ask that the address of President Taft at the banquet of the Swedish-American Republican League at Congress Hall, Chicago, Ill., March 9, 1912, be printed as a Senate document (S. Doc. No. 452).

The VICE PRESIDENT. Without objection, the order will be entered.

Mr. GALLINGER. I ask that the address of President Taft to the General Court of the Legislature of Massachusetts, delivered in Boston, Mass., March 18, 1912, be printed as a Senate document (S. Doc. No. 451).

The VICE PRESIDENT. Without objection, an order therefor is entered.

SENATOR FROM WISCONSIN.

Mr. JONES. Mr. President, as an amendment in the nature of a substitute for the motion of the Senator from Idaho [Mr. HEYBURN], that the Senate agree to the report of the Committee on Privileges and Elections in reference to the charges preferred by the Legislature of the State of Wisconsin against ISAAC STEPHENSON, a Senator from that State, I submit and desire to have pending the resolution which I send to the desk. The resolution is as follows:

*Resolved*, That ISAAC STEPHENSON was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Wisconsin.

PRESIDENT PRO TEMPORE FOR MONDAY AND TUESDAY.

Mr. MARTIN of Virginia. I am advised that the Vice President will unavoidably be absent from the city of Washington Monday and Tuesday of next week, and I therefore ask unanimous consent that the Senator from Connecticut, Mr. BRANDEGEE, be selected to preside over the deliberations of the Senate Monday and Tuesday of next week.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GALLINGER submitted the following resolution (S. Res. 257), which was read, considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary wait upon the President of the United States and inform him that the Senate has elected FRANK B. BRANDEGEE, a Senator from the State of Connecticut, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Monday and Tuesday, March 25 and 26, 1912.

Mr. GALLINGER submitted the following resolution (S. Res. 258), which was read, considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary notify the House of Representatives that the Senate has elected FRANK B. BRANDEGEE, a Senator from the State of Connecticut, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Monday and Tuesday, March 25 and 26, 1912.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the act:

On March 16, 1912:

S. 339. An act providing for the reappraisal and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes.

HOUSE BILLS REFERRED.

The following bills were severally read by their titles and referred to the Committee on Commerce:

H. R. 19071. An act granting extension of time to the St. Cloud Electric Power Co. to construct a dam across the Mississippi River; and

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 14925. An act to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910; and H. R. 19418. An act to amend section 5 of an act entitled "An act to regulate fees and costs, and for other purposes," approved February 22, 1875.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 12211. An act to amend the act of February 18, 1909 (35 Stat. L., p. 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes";

H. R. 13417. An act granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes;

H. R. 16101. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation, in Wyoming;

H. R. 18661. An act to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906; and

H. R. 20491. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 1332. An act regulating Indian allotments disposed of by will; and

H. J. Res. 263. A joint resolution to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal.

H. R. 1647. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

H. J. Res. 239. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Army and Navy Union, United States of America, was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 276. A joint resolution authorizing the Secretary of Agriculture to make an exhibit at the Fifth National Corn Exhibition at Columbia, S. C., was read twice by its title and referred to the Committee on Agriculture and Forestry.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to pension the following persons at the rates per month given:

John Brown, late of Company A, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, \$50.

Elizabeth S. Phillips, former widow of Julius G. Johnson, late of Company B, Twenty-eighth Regiment Kentucky Volunteer Infantry, \$20.

Urban Coon, late of Company B, Nineteenth Regiment Illinois Volunteer Infantry, \$30.

George Kent, late of Company G, Thirteenth Regiment Michigan Volunteer Infantry, \$30.

William J. Lambdin, late of Company E, Ninety-eighth Regiment Illinois Volunteer Infantry, \$24.

Samuel D. Fulmer, late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$50.

Josephine P. Whitney, helpless and dependent daughter of Oliver C. Whitney, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, \$12.

Henry Andrews, alias William J. Bowers, late of Company E, Thirty-third Regiment, and Company D, Thirty-fourth Regiment, Iowa Volunteer Infantry, \$24.

William J. Benton, late of Company L, First Regiment Colorado Volunteer Cavalry, \$30.

Frank L. Fisher, late of Company B, Forty-second Regiment Massachusetts Militia Infantry, \$24.



William P. Thompson, late of Company G, Twelfth Regiment Illinois Volunteer Infantry, \$24.

Benjamin F. Reed, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, \$24.

Virginia H. Morgan, widow of Nelson Morgan, late second lieutenant Company B, One hundred and first Regiment Illinois Volunteer Infantry, \$20.

James A. Hunt, late of Company A, Ninety-fourth Regiment Illinois Volunteer Infantry, \$24.

Calvin Smith, late of Company G, Twenty-second Regiment Indiana Volunteer Infantry, \$30.

Mary S. Tucker, of Texas, widow of Charles F. Tucker, late of Company A, Ninety-fifth Regiment Illinois Volunteer Infantry, \$20.

John C. Carpenter, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, \$30.

William Turner, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, \$24.

Francis Marion Keith, late of Company K, Twelfth Regiment, and Company K, Twenty-fourth Regiment, Kentucky Volunteer Infantry, \$24.

Karl Somerlatt, late of Company B, Twenty-eighth Regiment Wisconsin Volunteer Infantry, \$24.

Ira N. Levalley, late of Company B, Eighty-ninth Regiment Illinois Volunteer Infantry, \$30.

William Akin, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, \$24.

John L. Reese, late of Company E, One hundred and eighty-second Regiment Ohio Volunteer Infantry, \$24.

Ransom W. Bailey, late of Company A, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, \$24.

Horace R. Weston, late of Company I, Thirteenth Regiment Maine Volunteer Infantry, and Company B, First Battalion Maine Volunteer Infantry, \$24.

William Barker, late of Company K, Eleventh Regiment Illinois Volunteer Cavalry, \$30.

John West, late of Company E, Third Regiment Iowa Volunteer Cavalry, \$30.

William H. Tinkham, late of Company A, Third Regiment Massachusetts Volunteer Infantry, \$20.

Frederick J. Thilke, late of Company A, Thirty-eighth Regiment Wisconsin Volunteer Infantry, \$30.

Christopher G. Burdick, late of Company E, Tenth Regiment, and Company C, Forty-first Regiment, Wisconsin Volunteer Infantry, \$24.

Ambrose Roan, late of Company F, Twenty-seventh Regiment United States Colored Volunteer Infantry, \$24.

Henry G. Trimble, late of Company C, Third Regiment Kentucky Volunteer Infantry, \$65.

Charles C. Warner, late of Company H, Forty-seventh Regiment Pennsylvania Volunteer Infantry, \$24.

John Hollabaugh, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, \$40.

Maggie L. Zachary, widow of Charles A. Zachary, late captain Company F, Second Regiment Kentucky Volunteer Cavalry, \$25.

John Rosswork, late of Company H, Fifth Regiment Pennsylvania Volunteer Cavalry, \$30.

Eugene O. Pratt, late of Company B, Forty-sixth Regiment Wisconsin Volunteer Infantry, \$24.

Robie M. Towle, late of Company H, One hundredth Regiment Indiana Volunteer Infantry, \$24.

John J. Evans, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, \$24.

Henry M. Endsley, late of Company H, Third Regiment Indiana Volunteer Infantry, War with Mexico, and captain Company F, Seventieth Regiment Indiana Volunteer Infantry, \$50.

John X. Eichel, late of Company F, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, \$36.

Andrew J. Board, late of Company A, Tenth Regiment West Virginia Volunteer Infantry, \$30.

George McCrea, late first lieutenant and captain Company E, One hundred and thirteenth Regiment Ohio Volunteer Infantry, \$30.

Joseph B. Hill, late captain Company E, Tenth Regiment Ohio Volunteer Cavalry, \$30.

Samuel A. Pearce, late additional paymaster, United States Volunteers, and major and paymaster, United States Army, \$50.

Henry Dye, late of Company D, Eleventh Regiment West Virginia Volunteer Infantry, \$24.

Andrew Randall, late of Company H, Fourth Regiment, and Company H, Nineteenth Regiment, Maine Volunteer Infantry, \$24.

William H. Donaldson, late of Company K, First Regiment Michigan Volunteer Cavalry, and unassigned detachment First Battalion Veteran Reserve Corps, \$24.

Samuel T. Hawkins, late of Company C, Thirty-second Regiment, and Company H, One hundred and thirty-third Regiment, Illinois Volunteer Infantry, \$30.

Jacob C. Mitts, late of Company F, Third Regiment Wisconsin Volunteer Cavalry, \$24.

Martin L. Galyean, late of Company A, Twenty-sixth Regiment Indiana Volunteer Infantry, \$30.

William M. Blose, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$24.

Patrick Sullivan, late of Company I, One hundred and twenty-seventh Regiment New York Volunteer Infantry, \$30.

John Clopine, late of Company C, Fifty-third Regiment Ohio Volunteer Infantry, \$40.

William C. Williams, late of Company K, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and Company G, Sixth Regiment Veteran Reserve Corps, \$30.

Henry Bargerstock, late of Company D, Sixty-second Regiment Pennsylvania Volunteer Infantry, \$30.

Willard M. Walker, late of Company C, Third Regiment, and Company E, Twenty-second Regiment, Wisconsin Volunteer Infantry, \$24.

John Ghastin, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, \$30.

John S. Sullivan, late of Company D, Fifth Regiment New Hampshire Volunteer Infantry, \$50.

Charles W. Holmes, late of U. S. S. *Vandalia* and *Tioga*, United States Navy, \$30.

Johnston R. Lambright, late of Company E, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, \$24.

Aaron H. Thatcher, late of Company A, First Regiment Iowa Volunteer Cavalry, \$40.

Milton Green, late of Company F, Twenty-fifth Regiment Wisconsin Volunteer Infantry, \$30.

Alfred Kent, late second lieutenant Company H, and first lieutenant and regimental commissary, Third Regiment Michigan Volunteer Cavalry, \$50.

Benjamin Miller, late of Company I, Forty-ninth Regiment Wisconsin Volunteer Infantry, \$30.

Ezra J. Crocker, late of Company K, Fifth Regiment Connecticut Volunteer Infantry, \$30.

George F. Davlin, late of Company D, First Regiment Wisconsin Volunteer Cavalry, \$30.

Benjamin E. Westfall, late of Company F, Fourth Regiment, and Company G, Thirtieth Regiment, Michigan Volunteer Infantry, \$24.

George H. Pierce, late of Company H, Sixth Regiment Vermont Volunteer Infantry, \$24.

Alexander A. Richardson, late of Company K, First Regiment District of Columbia Volunteer Cavalry, \$30.

John M. Mower, late of Company A, First Regiment Maine Volunteer Cavalry, \$30.

William H. Bradley, late of Company G, First Regiment Pennsylvania Reserve Volunteer Infantry, and medical cadet, United States Army, \$30.

Catherine Downs, widow of James Downs, late of Company H, One hundred and seventeenth Regiment New York Volunteer Infantry, \$12.

Olive C. Morrill, widow of Eleazer D. Morrill, late of Company I, Eighth Regiment Vermont Volunteer Infantry, and Company G, Thirtieth Regiment Veteran Reserve Corps, \$20.

Gerret G. Seger, late first lieutenant Company E, Seventy-third Regiment Indiana Volunteer Infantry, \$24.

Benjamin F. Whitehouse, late of Company C, First Regiment Ohio Volunteer Heavy Artillery, \$24.

John Jones, late of Fifth Independent Battery Ohio Volunteer Light Artillery, \$30.

Andrew Geist, late of Company F, One hundred and twenty-fifth Regiment, and Company H, One hundred and eighty-eighth Regiment, Pennsylvania Volunteer Infantry, \$24.

Eri Guthrie, late of Company F, Ninety-third Regiment Indiana Volunteer Infantry, \$24.

Catharine Ann Leonard, widow of Thomas Leonard, late of Company A, Eighty-third Regiment Indiana Volunteer Infantry, \$12.

Clarence L. Miles, late first lieutenant Company A, Ninth Regiment Michigan Volunteer Cavalry, \$30.

Mary Ryder, widow of John B. Ryder, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, \$20.

John H. Klingler, late of Company H, Fourth Regiment Delaware Volunteer Infantry, \$30.

Henry Marble, late of Company C, Eleventh Regiment Michigan Volunteer Cavalry, and Company I, Eighth Regiment Veteran Reserve Corps, \$24.

John C. Bryant, late of Company B, Forty-sixth Regiment Massachusetts Volunteer Infantry, \$24.

Charles D. Wilson, late of Company K, Eighty-first Regiment New York Volunteer Infantry, \$30.

Mr. McCUMBER. Mr. President, I suggest the want of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	McCumber	Simmons
Bourne	Dillingham	McLean	Smith, Ga.
Bradley	du Pont	Martine, N. J.	Smith, Md.
Brandegee	Fletcher	Myers	Smith, Mich.
Brown	Foster	Nelson	Smoot
Burnham	Gallinger	Overman	Sutherland
Burton	Gardner	Page	Thornton
Chamberlain	Heyburn	Penrose	Townsend
Chilton	Johnson, Me.	Percy	Warren
Clapp	Johnston, Ala.	Perkins	Watson
Clark, Wyo.	Jones	Polindexter	Wetmore
Crawford	Lea	Pomerene	Williams
Culbertson	Lippitt	Richardson	Works
Cullom	Lodge	Root	

Mr. FLETCHER. I desire to announce that my colleague [Mr. BRYAN] is unavoidably absent. I will let this announcement stand for the day.

Mr. CRAWFORD. My colleague [Mr. GAMBLE] is necessarily absent. He has a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I make this announcement for the day.

Mr. LEA. The senior Senator from Tennessee [Mr. TAYLOR] is detained from the Chamber by illness.

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. McCUMBER. Mr. President, yesterday I requested that the pending bill be passed over for the reason that I desired to move to strike out a certain portion of the bill, a portion which had been voted into the bill by a majority of the Committee on Pensions who were present at the time the vote was taken. I stated at that time that the matter which I desired to bring before the Senate for consideration might become a precedent for the future guidance of the Committee on Pensions, and it was my desire that if we were to amend those rules in any way and have a different standard for the granting of special private pensions we ought to do so under the advice of the Senate.

Mr. President, one of the most disagreeable of the duties which are imposed upon the chairman of the Committee on Pensions is that of holding the rates down to what has been heretofore the rule of the committee, and of preventing there being any special cases of favoritism, or that which would look like favoritism, which might become a precedent in the future consideration of like cases.

I wish to read to the Senate two sections of the rules of the Committee on Pensions. One is section 5, which reads as follows:

Rule 5. Bills for increasing pensions to officers or enlisted men will not be given consideration unless total incapacity for the performance of manual labor is established by the evidence on file in the Pension Bureau or filed with the bill. The soldier must establish his title to and be granted the highest rate of pension under the law applicable to his case before applying to Congress. If it be shown that a soldier who is in receipt of not less than \$12 per month is in absolutely destitute circumstances and is suffering from a permanent disability of an extreme nature rendering him wholly or partly helpless, a bill proposing to grant additional pension may be favorably considered. The amount of pension allowed will be governed by conditions of service in connection with extreme disability and destitution. If a rejected claim under other laws exists, the equities in such claim will receive consideration in connection with the bill.

I also read a portion of rule 7:

No increase of pension to widows will be recommended above the general-law rating except in case of destitution to be substantiated by competent testimony, and the word "destitution" will be held to mean the same when applied to an officer or his widow as when applied to a private or his widow; it will not be contracted or expanded to meet particular cases.

There are two propositions, Mr. President, in those rules. The first is that no pension shall be granted at all unless there is proof of destitution. The second is that the grant shall not be greater than will be necessary in the exigencies of the case to prevent destitution. For a number of years your committee in the consideration of cases has been compelled to adopt certain ratings for certain specific classes of disability. Where there has been a necessity for constant aid and attendance the committee has, in many instances, granted as high a rate as \$50 per month; but we have by a long course of action affirmed our decision not to grant more than \$50 in any special bill, holding that \$50 would relieve destitution and enable a person to live and at the same time procure more or less assistance.

The second proposition is that those who are in practically the same condition should be treated exactly alike, because we are attempting to do justice and equity to all of the soldiers, and if we grant \$65 a month to one and \$50 a month to another for the same kind of disability and the same degree of destitution, we will have done an injustice to the one or else committed an act of favoritism toward the other. If there is any one thing that the committee ought to avoid it is affording any justification for the charge, public or private, that the committee are guilty of the offense of attempting to give one person more than they would give another for the same disability and under the same circumstances; in other words, the charge that we are guilty of favoritism.

Mr. President, in the particular case I have in mind the soldier was receiving \$55 per month; the majority of the committee raised the amount to \$65 a month; and what I want to show at this time is that the grant of \$65 a month to this one soldier will be doing a rank injustice to a dozen others to whom we have granted but \$50 per month in bills which have passed within the last two or three days. Therefore, on page 7 I move to strike out all from line 7 to line 10, inclusive, the case of Henry G. Trimble, Senate bill 2595. The report on this case is found in Senate Report No. 441, page 15. It appears that the soldier is receiving \$55 per month under the general law for the loss of an arm at the shoulder. A majority of the committee present and voting have increased this amount to \$65 a month. The rule of the committee has been not to grant in excess of \$50 per month in any case; and if a greater amount is allowed in this case it should be allowed in other similar cases. The report sets out the facts and attached reports show other cases where only \$50 per month has been allowed.

The soldier was wounded in the left arm at Dallas, Ga., on June 2, 1864, and the arm was amputated very close to the shoulder joint, which prevented the possibility of the use of an artificial limb. He was pensioned to date from his discharge, October 13, 1864, at the highest rate provided by law for his disability. At that time the rate was \$8 per month. Legislation was enacted in 1866, 1872, 1874, 1883, 1886, 1887, and 1903, which raised the rates to \$15, \$18, \$24, \$30, \$36, \$45, and \$55 per month, respectively. He is now receiving \$55 per month. Affidavits are filed with the bill from credible witnesses stating that the soldier, owing to a paralytic stroke and other diseases and infirmities of age, is now totally helpless. It is also stated that he has no property of any kind. This is a case, Mr. President, where, if the soldier had been receiving anything less than \$50 a month, we would have granted him up to the maximum amount which has been granted in like cases, namely, \$50 a month.

The Committee on Pensions of the Senate in the past few years has repeatedly refused to recommend an increase of pension in exactly similar cases, even in cases where soldiers lost limbs and were pensioned at \$55 per month, on the ground that the ordinary necessities of life could be secured for \$55 per month and that a person in receipt of a pension of that amount could not be considered to be wholly destitute. In fact, the Committee on Pensions have set a limit and determined not to report favorably any bills in excess of \$50 per month. This action on the part of the committee was found necessary, Mr. President, on account of the large number of bills calling for high rates which were presented to the committee, and in order to conform with the practice of the committee for a number of years past.

I have given you facts from the report in this particular case, and I wish to give a few facts in some cases which I asked my secretary to collect from reports upon bills which have just been passed. I want to read a few of them in which we have granted the maximum of \$50 per month:

S. 4567. George H. Garnett, enlisted as a private in Company F, Thirty-first Maine Volunteer Infantry, February 26, 1864; discharged January 13, 1865, on surgeon's certificate of disability because of—

"A gunshot wound received in battle before Petersburg, Va., June 17, 1864. The ball entered at inner angle of left eye and emerged through the lobe of the left ear, destroying the eye and fracturing the superior and inferior maxillaries and rendering him incapable of separating them more than one-fourth of an inch."

He was pensioned from discharge at \$8 per month on account of gunshot wound of left eye, ear, and lower jaw. Said pension has been increased from time to time and claimant now receives \$30 per month.

From the papers on file in the Pension Bureau it is apparent that claimant has been a constant sufferer from his severe wound; that his digestive organs have become affected from imperfect mastication of food; that in consequence his general health is poor and that he is a totally disabled man. The bureau surgeons by whom he was last examined, November 23, 1892, described his disability as follows:

"We find a gunshot wound which involves almost the entire left side of the face. The ball entered a little left of the center of forehead, ranging downward, making its exit at the angle of lower jaw, left side; it caused considerable loss of muscle, bone, and tissue, and destruction of the entire left eye, almost obliterating orbit; the jaws are firmly set, it being necessary to remove some of his teeth to insert a tube



to give necessary nourishment. The eye constantly discharges thin ichorish pus which is irritating and most of the time very foetid; it is necessary for him to have special diet, to have his eye dressed at least once a day in temperate and cold weather, and in warm many more times; this of course involves constant care and attention of another person and for 23 years it has been his wife's constant care, and since 1885 has occupied her entire time. We find him nervous and of a very sensitive nature, is thin, gaunt-looking and has a sallow complexion; upon slight exertion his heart beats very rapidly; he seems short of breath and his respiration is always rapid. Would recommend the man be allowed the constant service of an attendant."

Medical evidence filed in the Pension Bureau January, 1912, is to the effect that claimant is totally disabled and needs the assistance of another person daily to dress his wound. He is 66 years of age and very poor. The facts as to his grievous disability and poverty are known to Senator MYERS, who makes the following statement:

UNITED STATES SENATE,  
Washington, D. C., January 18, 1912.

Hon. P. J. McCUMBER,  
Chairman Senate Committee on Pensions:

DEAR SENATOR: I have introduced Senate bill 4567, granting an increase of pension to Mr. George H. Garnett, late of Company F, Thirty-first Regiment Maine Volunteer Infantry.

I am personally acquainted with Mr. Garnett and his case is a very serious one, and he is most worthy of any assistance which the Committee on Pensions may see fit to give him. During his Army service he was very badly injured. He was shot in the head, losing his left eye and his ear and badly injuring his jaws. After the accident his jaws became set, so that he can not open his teeth to exceed one-sixteenth of an inch, thereby making it impossible for him to masticate his food. Consequently his entire digestive tract has become deranged. This wound is a running sore and he needs the attendance of another person each day to dress it and care for it.

Financially, Mr. Garnett is in poor circumstances, and is absolutely unable to perform any manual labor at all, and, under all the circumstances, I think his case a most deserving one and hope that the committee will favorably consider the same.

If there are any further facts that I can furnish your committee in regard to this matter, I shall be glad to have you call upon me.

Yours, truly,

H. L. MYERS.

It is believed that soldier's condition is such that increase to \$50 is warranted.

In this case the soldier received a most grievous wound, shattering his jaws, which have become so firmly set that there is no motion, and he must take sustenance through a tube. He has been in this condition since he was wounded, June 17, 1864. His disabilities are almost wholly due to service. The committee recommend \$50.

The next case is that of Henry H. Warner. He was a sergeant in Company C, Eighty-ninth Illinois Volunteer Infantry and served from August 5, 1862, to November 11, 1864. He was several times wounded in battle, in consequence of which he was discharged on surgeon's certificate of disability. He is now on the pension roll under general law at \$30 per month for gunshot wounds of left arm and left leg and left thigh, and his efforts to obtain a higher rate at the bureau have been without success, his last claim for increase, filed April 3, 1911, being rejected June 1, 1911.

The testimony shows that the claimant is 67 years of age and that he is substantially helpless and has not been out of his room for several months. In addition to severe wounds received in battle he suffers from rheumatism, heart disease, piles, blindness of right eye, and marked general debility, and requires the aid and attendance of another person. His grievous condition clearly appears from the report of his last medical examination, taken May 4, 1911, and from the papers filed with this committee. The bureau examining surgeon reported that claimant required the periodical assistance of another person, a degree of disability ratable under the general law at \$50 per month, and there is other medical evidence to the same effect on file in the case. Evidence filed with this committee shows that claimant is now and has been for some time past confined to his room requiring the constant attention of some one to provide for his wants. It is also shown that he is without means and is entirely dependent upon his pension for support, and it is believed that increase of his pension to \$50 per month is fully warranted.

In this case the soldier's disabilities are due to service. He was wounded in left arm, left leg, and left thigh. He is wholly disabled and requires the aid and attendance of another person. He has never received more than \$30 per month. The committee recommend \$50.

The next case is that of Robert B. Nicol, who enlisted in the Union Army March 26, 1862, for service as a corporal in Company I, Eleventh New York Volunteer Cavalry. While in the performance of duty near Washington, D. C., in December, 1863, he was thrown from his horse, sustaining severe injury of both arms, necessitating his discharge from the service July 8, 1864. He is now pensioned at \$46 per month for injury to left elbow, resulting in total disability of left arm, and injury to right wrist. His rate is the highest obtainable from the bureau under the general law.

The claimant is an old man over 80 years of age. In addition to above disabilities he has a progressive deafness, which has been coming on for the past five years, and is also nearly

blind in both eyes and, needless to add, practically helpless. He is also a constant sufferer from rheumatism and requires some one with him most of the time. It also appears that he is in straitened circumstances and in need of relief. He has always been a man of high repute and good character, but has been hindered by reason of his disability incurred in the Army from laying up a competency for his old age, and now finds himself crippled and almost blind and in poor circumstances. The facts in his case are fully substantiated by several reputable witnesses and justify your committee in recommending increase to \$50 per month, which is the maximum rate recommended by special act in any case.

This soldier was very badly disabled by reason of service. He is getting a pension of \$46 per month for total disability of left arm. He would probably have been better off had the arm been amputated. In that case he would have received \$55 per month. The committee allows only \$50 per month.

The next case is that of Spencer Ford, who was a member of Company F, Fifth Regiment United States Colored Volunteer Infantry. He enlisted August 17, 1863, and was discharged July 9, 1865. He is pensioned under the general law at \$30 per month for rheumatism and resulting disease of heart admitted to have been of service origin. He was first pensioned at \$8 per month from June 21, 1887; subsequently this was increased to \$12, then to \$16, \$17, \$24, and finally to \$30 from February 18, 1903. Applications for further increase stand denied on the ground that his condition is partly due to paralysis of left side not accepted as a result of pensioned disability.

It is conclusively proved that the claimant is a helpless paralytic, and that he requires the aid and assistance of another person. His last two examinations—in April, 1908, and March, 1909—were made at his home because he was unable to leave the house, and they show his total disability from rheumatism, heart disease, and paralysis, and his need for care and attention. Evidence of a physician and neighbors filed with this committee also shows that claimant is totally disabled and requires the aid and assistance of another person, and, in fact, can do nothing for himself without assistance. He is 69 years of age, owns no property, not even a home, and has no income from any source except his pension. On account of his helplessness and poverty it is believed proper to give him increase of pension to \$50 per month, as proposed in the bill.

The soldier was wholly disabled by reason of service, although his disabilities are due to disease and not to wounds. The committee recommends \$50 per month.

I will read one more to show the uniformity of our reports in these cases:

"Alexander Hogelan, the claimant, was a private in Company F, Forty-sixth Indiana Volunteer Infantry. He served three years in the Union Army during the Civil War, having enlisted October 3, 1861, and being honorably discharged October 13, 1864. He is a pensioner under the general law at \$30 per month for gunshot wound of face, affecting sight of both eyes and hearing of right ear. Claim for increase, filed July 20, 1909, was rejected October 14, 1909.

"Claimant was severely wounded in battle at Champion Hills, Miss., May 16, 1863, the ball entering the face near left eye, passing inward, backward, and downward, and lodged in the back of the neck, from which it has never been removed. The shock of the bullet destroyed the left eye, and he is also, in consequence, nearly blind in right eye. The wound also caused total deafness of right ear and partial deafness of left ear and has been a source of great suffering, pain, and inconvenience. The bureau surgeon in his last certificate, dated September 22, 1909, reports that claimant is a wreck, and that his condition was such as the result of his service wound as to require the constant aid and attendance of another person. The following sworn statement of Dr. William S. Walker, of Lafayette, Ind., is filed with this committee:

"I have carefully examined Alexander Hogelan, a soldier of the late Civil War, and found him in the following described condition: Emaciated and anemic, walks with the aid of a cane in a feeble, tottering manner on the level floor. In going up steps requires assistance. The left eye is totally blind, the sight in right eye much affected. Total deafness of right ear, and left ear almost total for practical purposes. All the result of a gunshot wound in the face. Heart action feeble, sounds muffled; the radial pulse feeble and the arteries hard; pulse, sitting, 60; standing, 64. The rifle ball still remains in body, and its location at present time is at the inner angle of the right scapula. This point is tender and shows some induration. Soldier, from the above named physical condition, is totally unable to perform manual labor and requires assistance in dressing himself or in walking out of doors.

"Soldier is now an old man, past 71 years of age. He is poor and needy and depends upon his pension for support. It is believed that his condition is such that increase to \$50 per month, as proposed in the bill, is fully warranted."

The soldier was severely wounded in the face, and as a result is practically blind and deaf. He has suffered constantly all his life. He is now a total physical wreck, and his disabilities are



almost wholly due to service. The committee recommends \$50 per month.

I have a number of others here, but I believe I have read a sufficient number to show that all these are cases in which if the claimant in the case which I object to is entitled to \$65 per month the others would also be entitled to the same. I will ask that the other cases which I will note may, without reading, be printed as a part of my remarks.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

"S. 858. William E. Brown served as a private in Company E, Third Regiment Iowa Volunteer Cavalry. He enlisted August 17, 1861, and was discharged March 29, 1863, on surgeon's certificate of disability on account of 'general debility consequent on phthisis pulmonalis and chronic diarrhea.' He established a claim for pension under the general law for chronic diarrhea and resulting piles and catarrh and is pensioned therefor at \$30 per month. He applied for increase April 23, 1909, but his application was rejected June 1, 1909, on the ground that his present disabled condition was due in part to other than pensioned causes.

"The soldier is an old man of 75 years of age. When last examined, May 11, 1909, he was shown to be so disabled from pensioned disabilities and old age as to require the regular personal aid and attendance of another person. The examining surgeon said:

"This soldier is extremely weak and emaciated, can scarcely arise from a chair by the assistance of two canes, and then only by several attempts; at times loses his balance easily, and fully requires the assistance of wife and dependent son to get up. Either his wife or son has to be near at hand all the time to aid and assist him in dressing and undressing, washing him, assisting him in attending to calls of nature, bringing him a drink of water. Soldier seems to be thoroughly exhausted on the least effort to help himself.

"Evidence of a physician and neighbors filed with this committee shows that soldier is totally disabled and requires an attendant all the time. It also appears that he is poor and needy and deserving of relief. His unfortunate condition strongly appeals to your committee, and it seems proper to give him increase of pension to \$50 per month, as proposed in the bill, a large measure of his disability being due to his military service."

In this case the soldier is disabled by reason of disease and not from wounds. He is absolutely helpless and can do nothing for himself. The committee recommends \$50 per month.

"S. 5. Samuel C. Whitman was a private in Company F, Fourth Regiment Michigan Volunteer Cavalry. He served from August 19, 1864, to July 1, 1865, and was honorably discharged. He was granted pension under the general law, and is now receiving \$30 per month for disease of lungs and disease of throat, and resulting total deafness of left ear and slight deafness of right ear, contracted while in service.

"The evidence clearly shows that this soldier is helpless and requires the aid and attendance of another person. In addition to pensioned disabilities he suffers from disease of heart, paralysis, and fracture of left thigh, making his left leg practically useless. The certificate of his last medical examination shows that at that time, February 12, 1908, he was so totally helpless that he required the regular personal aid and attendance of another person, a degree of disability which, were it wholly due to the military service, would entitle him to a pension of \$72 per month. Medical evidence filed with this committee is confirmatory of the findings of the examining surgeon, and shows that soldier is a physical wreck and must have an attendant to assist him to perform even the ordinary duties of life. He is 63 years of age, poor, and without means, and worthy of relief. It is proper to give this man a substantial increase of pension, and your committee recommend the allowance of \$50 per month, proposed in the bill."

In this case the soldier is wholly disabled by reason of disease contracted in the service, although he was not wounded. He has been a sufferer ever since his discharge. He is totally disabled and requires constant aid and attention. The committee recommends \$50 per month.

"S. 1669. Seth Goldthwait is a resident of New Boston, N. H., and has an honorable military record. He enlisted in the Union Army December 26, 1863, as a private in Company H, Thirtieth Maine Volunteer Infantry; was transferred to Company A, same regiment, January 1, 1865, and honorably discharged August 20, 1865. He is now pensioned at the rate of \$12 per month under the act of June 27, 1890. But, while he is paralyzed and helpless and in destitute circumstances, he is unable to obtain further relief in the Pension Bureau, his disabilities not being traceable to the military service.

"Claimant's grievous condition clearly appears from the papers on file in the Pension Bureau and with this committee. He has lost the use of both legs and control of bladder and rectum; is

unable to stand alone or walk, except with the aid of two canes or crutches; has lost much of the use of the right arm and hand from injury sustained a few years ago, and is in every respect a helpless cripple. He is 63 years of age, without means, and with no source of income except his pension. He was a good soldier and he is a good citizen, and your committee are of opinion that his unfortunate and helpless condition warrants increase of pension to \$50 per month."

In this case the claimant's condition is one of absolute helplessness, although it is true that his disability is not shown to be due to service. The committee recommend \$50.

Mr. TOWNSEND. I have had many inquiries in reference to cases in which larger amounts are alleged to have been granted. I wish to know whether the Committee on Pensions has recommended the passage of any special bill giving more than \$50 per month.

Mr. McCUMBER. To my knowledge the Committee on Pensions has not, at least since I have been a member of it. The Senate may have changed the sum in the case of generals, and so forth, and may have granted a greater amount.

Mr. TOWNSEND. There has been no case where the committee has been induced to grant a larger amount than \$50 a month?

Mr. McCUMBER. No. The object, as I have stated, is to meet cases of destitution, and the committee has several times passed upon that question and has virtually instructed the chairman to the effect that \$50 is enough to cover any cases of destitution, and that we ought not to go beyond that figure in any case. One day we may have all of the members of the committee present, and we may take a vote upon a given case, and it may appear that the majority of the committee are not in favor of increasing a pension beyond \$50 in any case of destitution; while on another day, on which all of the members of the committee are not present, a majority of those present may believe that we ought to go above \$50 per month in some cases. Therefore the Senator can easily see where we are left. We do not want to give some a rating of \$65 a month, and perhaps the next time give those in a similar condition a rating of \$50 per month.

My complaint in this case is not against the \$65 a month rate so much as it is against the injustice that will operate against all of the others in giving them a less rate and in having given them a less rate for a number of years.

Mr. BROWN. Mr. President—

Mr. McCUMBER. Just a moment. These are cases upon which we have passed this year and which have passed the Senate at \$50. If in the next bill, the omnibus bill, we take one claimant and give him \$65 a month, we will be doing an injustice to all the others, and I know of no greater injustice we can do to the soldiers of the Civil War than to treat one under certain conditions with less consideration than we treat some other soldier of the same war.

Mr. BROWN. Mr. President—

Mr. McCUMBER. Mr. President, I now yield to the Senator from Nebraska.

Mr. BROWN. I do not know how the Senator can argue that by doing justice to this pensioner we are doing an injustice to some other pensioner. If the facts in this case warrant the increase which the committee made, and it is a just increase, and the Senate sustains the committee in that position, I am totally at a loss to understand how it works any injustice to some other soldier whose pension bill has already been passed. It may be true that the soldier whose case was passed on before was not allowed so much as he deserved, but the Senate has acted upon that case. The Senate to-day is called upon to act on this case, and we ought to treat this soldier according to his deserts.

While the cases which were read by the Senator show that the committee had a maximum rule which it always followed and never went beyond \$50, every case he read also shows that it was a disgrace and an outrage to give to those pensioners only \$50 a month. If that rule is before us to-day, as it is raised by the chairman of the committee, it is our business to abrogate the rule and to do justice to the men whose cases are before us now.

Mr. McCUMBER. The Senator has his own methods of reasoning. He runs around in a circle and one reason kills the other when it meets.

The Senator says that he can not see how in doing justice to this soldier, and intimates that \$65 is justice, we thereupon are doing an injustice to all the others. At the same time he finishes his statement with the speech he has just uttered, to the effect that we commit an outrage upon all the others by not giving them the same amount.

Mr. BROWN. No; I said we committed an outrage at the former time.



Mr. McCUMBER. I do not understand how we can commit an outrage upon any number of soldiers without doing an injustice to them, and that is just the complaint I am making here. If we grant one soldier \$65 a month and at the very same session grant \$100 to others who are in exactly the same condition as those to whom we gave only \$50 a month, we do more than we ought to do for those or else we ought to do the same for all the others. If we are doing less than we ought to do for all the others, then we have done injustice to them, and if we have picked out one man to give him a greater amount we have, in our partiality in his case, committed an act of injustice. I think the Senator must understand that method of reasoning.

Mr. BROWN. Mr. President—

Mr. McCUMBER. I yield to the Senator.

Mr. BROWN. The Senator misunderstood me when he understood me as he stated. I did not say that we were committing any outrage to-day. I said the committee committed an outrage then when it gave to the pensioners, whose cases he read, only \$50 apiece. I say that was an injustice to them, and it was a disgrace to the country if it will treat its old defenders in that style.

The Senator's position to-day is, admitting that we did those men an injustice, we must treat these men equally unfairly and unjustly in order to do the right thing. My position is that the outrage and injustice done these other fellows was done prior to this time, when the Senate fixed those pensions, but to-day we have an opportunity to do what I do not understand the Senator says would be an injustice in giving this man an amount greater than that then fixed by some rule of the committee.

Mr. McCUMBER. We would not do an injustice if we gave him \$100 a month.

Mr. BROWN. Then we approximate doing him justice when we give him \$65 a month.

Mr. McCUMBER. I really think that when we raise a man's pension from \$24 and \$30 and give him \$50 a month we are at least doing something in the line of justice. It may be that we are not doing all that we should. I am willing to admit that we are not doing all that possibly I feel we would like to do for every one of these soldiers. But I am certain of one thing, if the Senator as a member of the committee, felt that those whom we have recommended at \$50 a month ought to have had \$65 a month, he should have made his voice felt at that time in placing them on the same basis, as it is the opportunity of every member of the committee to read over the reports if he desires to ascertain the condition of the soldier.

The committee have felt that they must put some limit. Whether it is just or unjust, the majority of the committee have said \$50 a month would be the limit, and in order to treat all alike it has given \$50 a month to all of those whose conditions I have read, and those which I have asked to have inserted in the Record.

It would seem to me that if this bill passes with this condition it would be the duty of the House immediately to strike out all of the others that we have passed at \$50 a month and insert in lieu thereof \$65 a month.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GALLINGER. May I be permitted to ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. GALLINGER. I will ask the Senator from North Dakota how long this \$50 rule has been in operation? I am not going to question the wisdom of it, but I want to know historically when it was established.

Mr. McCUMBER. I know it has been established ever since I have been on the committee. I do not remember any case where the committee granted higher than that at the time the Senator from New Hampshire was chairman of the committee.

Mr. GALLINGER. The Senator is mistaken on that point. Perhaps the present system is better than the one that was then in vogue, because we did grant pensions to a considerably larger extent than \$50 a month.

Mr. McCUMBER. I think in the cases of some officers.

Mr. GALLINGER. And officers' widows, and occasionally in the case of a private who required the constant aid and assistance of another person and was suffering great physical discomfort. There were a few such cases as that.

I will say this, and it fortifies the Senator's position. It gave the committee and gave the individual members of the committee a great deal of annoyance, because of the clamor that came up for these large pensions; and it will be a great relief to all of us, it certainly will be to me personally, if I may be permitted to say that under no circumstances will the com-

mittee recommend a pension of a greater rate than \$50 a month, because even now letters are coming to me pleading for a higher rate than that. I had not known before that there was a hard and fast rule on that matter. It would have enabled me to have said to my correspondents that it was useless to undertake to get a higher pension. I have not introduced a bill at this session for a high pension, but I might be called on to do it to-morrow, and if I can say to my correspondent, whoever it may be, that it is needless to attempt to get a higher rate of pension, I will be relieved, of course, from some importunity.

Mr. McCUMBER. I only say, and I think the Senator agrees with me in that, that whatever rate we fix as a majority ought to be a maximum rate. As the Senator, when he was chairman of the same committee, well knows, it was these extreme cases that gave him the greatest trouble. I only need to cite the case of granting a pension of, I think, \$2,000 a year to the widow of Gen. John A. Logan. I have never heard the last of that as the chairman of the committee. Every widow of an officer who comes before the committee or before the chairman of the committee cites the case of Mrs. Logan, and insists that her husband was as great a general and did as much for the Union as did Gen. Logan, and insists that she also ought to have a pension of \$2,000 a year. So it is with all these cases. If you once pass a case at a given amount which seems higher than the average, those who are seeking pensions will look carefully over our records and will select what they think the highest pay for a given disability, and will correspond or call personally upon the chairman of the committee and insist that their case at least comes within the category of the cases in which high rates have been granted.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER (Mr. CURTIS in the chair). Will the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I yield to the Senator.

Mr. GALLINGER. What the Senator from North Dakota states in that particular case is true. I can bear testimony to that. But other cases have given us quite as much trouble. I recall the fact that the present president of the Civil Service Commission was granted a pension a great many years ago for total physical and mental incapacity at the rate of \$100 a month which he has been drawing ever since, and he has been in public office ever since. That is not an isolated case either. There are many others, and those cases always did give the committee a great deal of trouble.

Mr. BRADLEY. Mr. President, I want to say that the rule which has been invoked has not been adopted since I have been a member of the Pension Committee, and it never would have been adopted with my vote.

I quite agree with the Senator from Nebraska [Mr. Brown] that we can not have a hard and fast rule, because of the fact that different cases are surrounded by different circumstances.

It has been intimated that if the entire committee had been present when this bill was passed, the committee would not have agreed to the bill in its present form. I must be allowed to contradict that statement. I believe the committee would have agreed to the bill had all the members of the committee been there, and I will give my reasons before I take my seat.

I want to say in the next place that instead of these cases which have been read, where only \$50 a month was allowed, being an argument against the allowance in this case, they simply establish the fact that the committee, by reason of a hard and fast rule, has done an injustice to these old suffering veterans, and because they have done injustice to them is no reason why they should do a further injustice in this case.

Great as the disabilities were that have been referred to by the chairman of the committee in those cases, there is not one of them that stands upon all fours with this case. In all pension cases certain allowances are made by law under the regular pension laws. Those allowances are limited. Hence in cases of destitution and helplessness soldiers ask that it shall be increased.

Now, let us look at this case. In the first place, this man was allowed \$8 per month. I know him well. A more gallant man never lived on the face of the earth. He went from a county that sent more soldiers to the Union Army than it had voters, and he was one who I think was not a voter.

He lost his arm at the shoulder upon the battle field. No artificial arm could be substituted. When he returned to his home he was taken up by his people and elected circuit court clerk. He served with distinction in that capacity. He is one of the brightest, one of the most amiable, and one of the best citizens of that county.

Finally, a law was passed by Congress giving to men who had lost an arm a pension of \$55 a month. That bill was

passed—I have not the date of it—a few years ago, comparatively. That was the amount fixed by law, not fixed on account of destitution, not fixed on account of age, but fixed because he had lost his arm upon the battle field and no artificial arm could be substituted.

Since that time he has become paralyzed. Since that time his old wife has become afflicted so that she is unable to do anything to help him. These two old people now board. They are not able to own a home. They have no property whatever. There lies this old man bedfast—and I will say that he will not lie there much longer, for the news I get from those who know him is that his days will be but few in the land. There is his old helpless wife with him. He must have some one to wait upon himself and his wife. He not only lost his arm upon the battle field, but he has lost all his power of motion. Not only that, but his wife has lost her health, and there are those two old people without any means of support, both of them having to be waited upon.

Here is a man who got \$55 because he lost his arm; not because of his age; not because of his destitution, but for the loss of his arm alone; and he now comes and asks for the pitiful sum of \$10 a month in addition to the allowance that has been made to him by law, in order to enable him to spend the very few days that are left to him in comparative comfort at least.

I want to charge here that, while it is true, as the chairman of the committee has stated, that there have not been any allowances made by the committee (save this) exceeding \$50, it is equally true that the Senate more times than one has allowed sums greater than \$50, and when the controversy came up on the floor of the Senate, the Senate has overruled the committee and increased the sum.

This man should have \$75 a month instead of \$65. He is entitled to it. I do not believe that the rule of Procrustes should be enacted by a pension committee. We should not cut a man off if he is too long; we should not stretch him out if he is too short. Every case should be decided upon its merits. I appeal to the Senators to decide this case upon its merits.

This man is my lifelong acquaintance and friend. My heart goes out to him as a gallant defender of his country, and one of the best men I ever knew. I beg and plead with the Senate to do at least some justice to this old helpless man and his old helpless wife.

I want to say further that, as a member of the Pension Committee, I am ready now or at any other time to vote to cancel this rule of the committee. The rules of the Pension Committee, sir, are not like the laws of the Medes and Persians. On the contrary, in this very case the rule has been disregarded. Nor can a rule of the committee govern this body.

Senators talk about being annoyed by the importunities of old soldiers and hence contend that it is better to have a rule of limitation for fear they may be annoyed by old soldiers who are asking for help. The plea of an old soldier to me has never been an annoyance, and I trust it never may be. Whenever the time comes that I feel it is an annoyance for a poor old helpless soldier to ask my aid, then, so help me God, I will resign as a Member of the Senate and go home. I am glad to help them. They deserve help; and in this instance this man especially deserves help. I do hope and trust that the Senators here will vote for this report.

Mr. McCUMBER. Mr. President, I simply desire to say in this case, as I stated before, that the vote of the Senate upon this proposition will be taken as a vote of instructions to the committee, because I think all will agree that we ought not to treat the soldiers differently, and that in all the cases I have read and similar cases, if we grant in this instance \$65 a month, we ought to grant more help in all the other cases.

Mr. BRADLEY. Will the Senator allow me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. BRADLEY. Has not the same thing happened heretofore, that the committee reported in favor of an amount larger than that fixed by the rule, and the Senate adopted it?

Mr. McCUMBER. I do not know of a single time that it has been done, Mr. President, when I have been present. If it has been done, it has been done when I have been absent.

Mr. BRADLEY. I know it has been done.

Mr. McCUMBER. The Senate itself, on motion of one of the Members, has on a vote raised the rating above what the committee authorized, but I now recall no case where the committee itself has recommended a rate that has been lowered by the Senate, or where it has recommended a rate and had the Senate change it, except to raise it.

Mr. BRADLEY. May I interrupt the Senator further?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kentucky?

Mr. McCUMBER. Certainly.

Mr. BRADLEY. That is just what I am trying to impress, that the committee has time and again—I do not remember the names, but I know since I have been in the Senate of at least three instances where the committee has made the amount greater than \$50, and the report has been made to the Senate and the Senate has adopted the report. I do not say that the Senator from North Dakota was present when it occurred, but I do say that if his idea is to object to this case—he says that he does not object to the amount—simply because it increases this pension beyond the amount fixed by the rule of the committee lest it may be a precedent—then I say he should have no fears, because the precedent has already been established.

Mr. McCUMBER. Mr. President, there can be no question about it becoming a precedent, and I think that every Senator will agree with me that it ought to become a precedent. Having read all of these cases and shown that they were cases that certainly appealed to our sympathies and sense of justice as much as the case which is mentioned by the Senator from Kentucky, I insist that we are morally bound to grant to the others exactly the same consideration.

Mr. SMITH of Michigan. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Michigan?

Mr. McCUMBER. I do.

Mr. SMITH of Michigan. Mr. President, if I understand this matter correctly, the Committee on Pensions reported favorably the bill of the Senator from Kentucky at \$65. Now, the other cases cited by the Senator from North Dakota are cases in which the committee had not reported in favor of \$65, but in favor of \$50. Am I right about that?

Mr. McCUMBER. The Senator is correct.

Mr. SMITH of Michigan. Then, the only question before the Senate will be whether the recommendation of the Committee on Pensions that the bill of the honored Senator from Kentucky [Mr. BRADLEY] shall pass at \$65, and not whether the other bill, or any other case, shall be considered on that basis. We can deal with those cases on their merits as we get to them.

Mr. McCUMBER. Oh, no, Mr. President. Any vote upon this case must mean that in the other cases, if they are like cases, the Committee on Pensions have not awarded an amount that they ought to have awarded; and I think it the duty of the Senate Committee on Pensions to take that view of it. I certainly would, and I think that every other Senator on the Committee would be compelled to take that view.

Mr. SMITH of Michigan. Does the Senator mean that if we cut this amount down to \$55 there will be no limitation to the extent the committee will feel authorized to go? Is that the view?

Mr. McCUMBER. I would hardly say that; but we would probably have a \$65 limitation instead of \$50.

Mr. SMITH of Michigan. Mr. President, if my vote were to determine a hard and fast rule without relation to the merits of any particular case, I should certainly not be willing to make \$50 the maximum beyond which the Senate would refuse to go in cases of real merit.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. With pleasure.

Mr. BORAH. I understand the Senator from North Dakota to say that there are other cases, the facts of which would justify as high a rate as this if the committee should feel free to go beyond \$50?

Mr. McCUMBER. I have read a number of cases which have passed within the last two days where the circumstances were of such a nature as would justify and demand as much as in this case, and they have passed both the committee and the Senate at \$50 per month.

Mr. BORAH. Well, Mr. President, it seems to me that there is logic in the position of the Senator that, if that be true, if those facts were before the committee, then we must necessarily go back and ask that those be reconsidered.

Mr. McCUMBER. We certainly ought to do so. There is no question about that.

Mr. BORAH. Whether we are paying too much or not we certainly ought to do equity between those who stand upon the same basis and have the same facts to support their position.

Mr. McCUMBER. That is the only position, Mr. President, that I am taking in this case. There can be no possible question but that it would be our duty, if the House did not amend the bills so as to treat all cases alike, to reconsider the vote by which the bills were passed, and to place all cases upon exactly the same basis.

Mr. President, I wish to refer to one other matter.



Mr. BRADLEY. Mr. President—

Mr. McCUMBER. Just a moment. I do not know whether the Senator referred to the statement made by the Senator from New Hampshire or by myself when he spoke of annoyance. I do not think that either the Senator from New Hampshire or myself indicated any annoyance because anybody talked to us about pensions. It is the duty of the chairman of the Committee on Pensions to hear all of these cases; but I think it is just to say that it must necessarily annoy the chairman of the committee to have to say to anyone, "although we grant you only \$50 per month pension, we have granted somebody else \$65 a month in a case that is no more justifiable, certainly, than your own." Only in that sense, if the word was used at all, could it have been made applicable.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. Certainly.

Mr. GALLINGER. The Senator from North Dakota properly interprets what I had in my mind if I used the word "annoyance." It certainly never has annoyed me to do anything I could for the soldiers, and the soldiers the country over perfectly understand that, I think; but when we are asked to grant a pension of \$2,000 a year because one woman, the widow of an Army officer, is getting that under a special act, of course it is a disagreeable thing to say to the others who desire an equal amount, or approximately an equal amount, that we can not do it. That is all that I had in my mind.

Mr. HEYBURN. Mr. President, I can not let this occasion pass without saying that it seems to me that the old soldier is not being considered in this case as entitled to an honor; he is merely being tolerated. To be a pensioner is to wear a badge of honor where the pension is granted for the service of defending one's country. This man, like other men who signed the muster roll, offered his life from that hour to the end of it for his country, wherever he might be sent or wherever duty might call him. There was no eight hours a day with him; there were no conditions as to company boarding houses and the things that disturb a class of our citizens. He was there to do at any cost whatever might fall to his duty.

I never have been in sympathy with granting larger pensions to officers than to privates. I have never been able to accommodate my judgment or my conscience to that rule that seems to have been adopted. The man who signed the muster roll as a private soldier was subject to a harder life of duty than the men who rode at the head of regiments after they were formed and drew \$3,600 a year for doing it.

Mr. McCUMBER. Will the Senator allow me to interrupt him right there?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Yes.

Mr. McCUMBER. The Senator spoke of a rule which had been adopted, which recognizes a distinction. I do not know to what the Senator refers, but the rule of the committee is that no distinction whatever shall be made.

Mr. HEYBURN. I was not referring to the rule of the committee; I was referring to a rule of action, of practice.

War is an awful thing. In the case under consideration here is a man in the prime of life offering for his country not only his services during the term of enlistment, but whatever might follow, and he is to-day in the service of his country, though he is not on the pay roll. He is serving his country to-day by the afflictions under which he suffers. A man with his arm off at the shoulder joint, a man troubled with the enumerated difficulties under which this man suffers, is serving his country. It is a continuous service. He enlisted for life. Some men enlisted to go home and take up the profitable pursuits of life, the gainful pursuits to provide for their old age, but this man enlisted for life, not the life of a man in health and comfort, but the life of a wretched invalid, who dies perhaps unnoticed and without a word or a line to inform those even in his own immediate vicinity that this man has been serving his country since 1861.

I would have no limitation; I would fix the minimum pension for a soldier, but not the maximum pension. I believe in dealing with these cases each upon its merits, and if we have not time there are some things that we might borrow time from in order that we might perform that duty. Why, we are going to adjourn over until Monday, and yet we have not time, forsooth, to take up and sift down and deal out justice upon merit in a case like this. The argument the Senator from North Dakota made, in which he recited many other cases similar in condition, was an argument that would have turned me had I needed to be turned. If there are those men—and we all know

that there are those men—who were disabled at the very beginning of their lives and taken out from the opportunity that other men enjoyed, if it cost me all my time I would go back and do them justice.

We are treating the pensioners as though they were merely subjects to be tolerated; they are subjects to be honored. It is a braver and a better thing to be on the pension roll as a soldier who was a defender of his country than it is to be a member of the peaceful congressional bodies of the United States; and when I see those men, who went from the very midst of their educational period, never to be able to return to it to complete their equipment for the contentions of life, when I see those men who, perhaps because of the stress and the burden and the vicissitudes of a soldier's life, acquired habits that have hung upon them like shackles since, my heart goes out to them, not as subjects of toleration, but as men entitled to the salute of dignity.

There were more wounds in that great struggle than those of bullets or of the flesh. The wounds that left their mark upon the character of the men, the wounds that left their mark upon the capacity of the men to take up the burden of life and hold their own among other men, were more grievous than those which struck them down to death and relieved them of the responsibilities of the duties of manhood.

I do not like a system of pensions that fixes a maximum, but leaves the minimum as the deflecting, guiding line in determining what recognition they shall receive or what assistance they shall receive. Every one of these men, every man whose name was read by the Senator from North Dakota, should be taken care of by the Government of the United States, regardless of cost, to the extent of his necessity—not bare necessity—but he should be treated as a man entitled to honor at the hands of his fellow-men. "Necessity" has rung through all of these pension measures. These men were not considering necessity when they were performing their duties. The man who enlisted at all, whether for a month or 6 months or 9 or 12 or 24 months, offered just as much as the man who enlisted for the longest term. He offered his life, and no man can give more. Many men who went out for 30 days paid with their lives, and that is all they had to give; they could have given no more if they had enlisted for 3 years or 20 years. They gave their lives. Men who went out for 6 months or 12 months or 2 years paid just as much, sacrificed as much, offered just as much, as the men who went out for the longest term. Take the nine-months' men, for instance. The time those men served included the battles of Antietam and Chancellorsville and the great, long, bloody line of battles between them; and those nine-months' men left a larger proportion of their number upon the battle field than those enlisted for any other period during the war, because they struck the high tide of 1862 and 1863.

Are you going to measure their services by months and by days? A man who comes to the muster office when his country's life is in danger and says, "I will give my life for my country"—I do not care if he offers it for only five minutes—is entitled to the utmost consideration. Some of us have seen wonderful work done in five minutes. There were five minutes at one period in the war, five minutes of actual fighting down in Virginia, that reduced a company I have in my mind, whose ranks had just been filled, from 95 men to 13.

Time does not count. Other men who offered the same never saw a battle. Time does not count; it is action; it is what men do that counts. But the credit is due to the man for what he offered to do and was willing to do, and I should like to see these men whose names have been read and whose records have been read treated not as pensioners, but as patriots. I should like to see them treated in their old age as heroes should be treated. It is not so much a question of the pittance due them as of the honor due them.

Mr. McCUMBER. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cammins	McCumber	Smith, Ga.
Borah	Dillingham	McLean	Smith, Md.
Bourne	du Pont	Martin, Va.	Smith, Mich.
Bradley	Fletcher	Martine, N. J.	Sutherland
Brandegee	Foster	Myers	Swanson
Bristow	Gallinger	Nelson	Thornton
Brown	Gardner	Overman	Townsend
Burton	Heyburn	Percy	Warren
Chamberlain	Johnson, Me.	Perkins	Watson
Chilton	Johnston, Ala.	Poin Dexter	Wetmore
Clapp	Jones	Reed	Works
Culberson	Lea	Richardson	
Cullom	Lodge	Root	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. A quorum of the Senate is present. The question is on agreeing to the motion of the Senator from North Dakota.

Mr. BORAH. Mr. President, just a word before the vote is taken. I myself am very much disposed to vote to allow this pension—that is, against the amendment—but I do not think we ought to do it without an understanding from the committee that these other cases are to be reviewed and taken up. The plea which is made for those who were in the front in defense of the country is always effective, and it ought to be, and it is especially so when made by those who themselves have participated in battle. But, on the other hand, it is absolutely essential that we do justice to all and treat all alike.

I am not willing, simply because it is the case of one who has a personal acquaintance with this affair and who is known here upon the floor, to agree to establish a rule with reference to this particular soldier that we will not establish with reference to all. And therefore, unless it is understood that this is not to be an exception, that if we vote to increase this pension the committee is to take up and consider the cases of the others, I am not in favor of making an exception to the rule.

Mr. McCUMBER. Mr. President, for the last five years—perhaps six or seven years—we have been passing pension bills of this character. How many of those beneficiaries are alive to-day I can not say. We could not very well of our own motion go over those cases again—those that passed last year. We should probably have to depend upon the House to amend the bills, if the House thought the rate was not sufficiently high, or else to bring the rate down to that granted to others.

So far as I personally am concerned, if instructed, as this vote will necessarily instruct the committee, that these cases of total disability requiring attendance should receive more than \$50 a month, the cases will all be considered alike, and so far as it is in my power I shall continue in the future, as I have in the past, to see that all soldiers are treated alike. It is and was because of my objection to taking one man and giving him \$15 a month above the others that I have been compelled in this instance to object to this man being granted \$65 while all the others are granted \$50 per month.

Mr. BORAH. Mr. President, I agree with the Senator's position exactly with reference to the rule to be established.

One thing more. Do I understand the Senator from North Dakota to say, or did he say, that in his judgment \$65 was not too much for this pensioner upon the facts disclosed before the committee?

Mr. McCUMBER. I did not express myself one way or the other upon that question. I do not desire to express myself upon it. The matter will again come before the committee after this vote, probably, and we shall have to consider all similar cases and determine what we ought to fix as a maximum. I would not want to forestall myself or give advice at this time to the balance of the committee as to what the committee ought to do in regard to fixing a maximum.

I disagree entirely with the Senator from Idaho [Mr. HEYBURN] that we should have a minimum and no maximum whatever. We should then be like a ship without a rudder, affected by every wave of partiality, and we should grant one just what we happened to feel in the humor to-day to grant and grant to another to-morrow what we then felt should be granted. The membership of the committee changes, and as the membership changes from year to year the committee may change in its sentiment. We ought to have some rule exactly as in the department. Congress fixes a maximum in every pension bill, and the officers of the department must determine in the case of an individual soldier where he falls within that maximum, and whether he shall be granted that sum.

We have many of these cases before us, probably 15,000 having been introduced this session—I do not know exactly how many—and in considering them we must have some rule. There are so many of these cases before us that the individual members of the committee, as has already been suggested, scarcely have time to go over those assigned to them. Therefore the force I have with me, acting as carefully and conscientiously as they can, after having ascertained the will of the committee, by a number of votes, that we should not grant more than \$50 a month in any case, have fixed \$50 as the maximum. We can not very easily change that to-morrow and then revert to another standard day after to-morrow.

Mr. BORAH. I presume the committee could accept the rule that it would pay every man what the facts showed he is entitled to.

Mr. McCUMBER. Certainly; that is, as near as the committee can agree upon it. The Senator from Idaho might agree upon one rate and I might agree upon one, either greater or less, and the committee itself may disagree. But finally the com-

mittee or a majority of the committee ought to determine some standard and follow that standard, at least during one session.

Mr. BORAH. I am not criticizing the Committee on Pensions at all. I think it does its work in a most splendid way. But I repeat, if this rule is to be adopted, it ought to be made to cover everyone—every case resting upon similar circumstances and conditions.

Mr. McCUMBER. I agree with the Senator.

Mr. HEYBURN. Mr. President, I rise because of the suggestion of the Senator from North Dakota [Mr. McCUMBER], which referred to one made during my previous remarks, in which I stated that I would consider it more reasonable to establish a minimum than a maximum. If we are going to have an arbitrary rule, let it be based upon the minimum amount that shall be received, and let us deal with these questions according to the equities of each case as it arises.

I do not believe that the convenience of the Committee on Pensions should have anything to do with it. I do not regard it important that they should have a rule by which to deal out the justice due to these people. I see no necessity for such a rule. If the committee has a rule, I see no occasion for its going beyond the report which is made to this body. We sit here to review, consider, and determine the wisdom of the conclusions of the committees, not to be governed by them.

The VICE PRESIDENT. Will the Senator from Idaho suspend for a moment? The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico.

Mr. McCUMBER. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside upon the request of the Senator from North Dakota. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, committees may properly have rules for governing their action in determining or considering the details that they are confronted with, but those rules do not come into this Chamber for consideration or guidance. I speak in no disrespect of committees. Like other Members, I am a member of committees. They consider and report to this body, but I do not feel that the rules made in a committee should be even quoted here as authority for the action of this sovereign body—sovereign over all committees.

The idea of saying that a man shall have only a given compensation, regardless of his rights, merely because the committee has a rule does not appeal to me as basis for disposing of these matters. It is convenient for the committee to do it; it is convenient for the subordinate bodies of this great body to have prescribed and established methods for transacting their business; but the only rule here is right and justice, and it is not measured by any rule except the rule applied to the question under consideration.

If a man is disabled for life because he entered the service of his country, and he gave the equivalent of his life for it, it should not be measured by the standard of any rule of a committee which would place him upon the same basis for consideration as the man who enlisted and went through the service that he owed to his country with minor loss, either at the time or afterwards. Many hundreds of thousands of men came out of the war unhurt and went to the end of their lives suffering no defect and no detriment because they had been in the war, carrying only the added respect of those who had sense enough and patriotism enough to know that a soldier who fights for the preservation of his country is entitled to more respect than the man who does not, and that he is entitled to more respect than the man whose only claim is based upon the fact that he has become the president of a railroad, or a bank, or that he has built a factory, or has amassed a fortune.

Mr. McCUMBER. Mr. President, the Senator from Idaho talks himself into the very rules that he criticizes. Finally he would have a rule. One of his rules would be that he would not grant any greater pension to an officer than he would grant to a soldier. Mr. President, that is one of the rules of the committee.

Another rule that the Senator from Idaho would have would be that he would grant to the widow of a private soldier, if you see fit, or the widow of an officer no greater amount than he would grant to the widow of another private soldier or officer under like conditions. Now, that is one of the rules of the committee.

Finally, if the Senator was a member of the committee he would see the necessity of our having some rules so that all should be treated alike. That is the object of the rules. It is to prevent unlike treatment that we have adopted these rules.



Does the Senator understand that at every session this committee has to consider at least half as many pension bills as there are pensions granted for the entire Spanish-American War, and to do that for the Spanish War veterans, as well as the others, we fix rules by which we state in our law what a given disability shall be entitled to receive. The Committee on Pensions in considering this vast number must have some rules to guide them. They are rules that they have adopted after very careful consideration.

Mr. HEYBURN. But they are not binding on the Senate.

Mr. McCUMBER. They are not binding on anyone, but they are binding and ought to be binding on the committee so that all the cases would be deemed to have been dealt with equitably. If the Senate overrules the committee in one case it should overrule it in all of the other cases. That is the position I occupy here.

Mr. BROWN. Mr. President—

Mr. HEYBURN. Mr. President, just a moment, while it is warm, if you please. The Senator criticizes my position, saying that I have suggested the adoption of a rule equivalent to that which he champions. I think if he will give that another thought he will revoke it. I spoke of each standing upon its own facts and merits. That is what I am in favor of.

In this case the pension of the applicant is laid upon the table and he is cut off at each end, just the length of the table always. That is the difference between the two positions.

Mr. BROWN. Mr. President, the Senator from Idaho called attention to the fact that these rules of the committee do not bind the Senate. That is not only true, but they do not bind the committee.

Mr. HEYBURN. No.

Mr. BROWN. The case before us is one where the committee itself has abrogated and abandoned the rule. A report comes here in violation of this rule that is so sacred so suddenly in a case that has not been paralleled in any of the citations. It does seem to me that we ought to give a little greater consideration to the cause that we are passing on rather than to a rule a committee has not respect enough for to abide by itself.

Mr. McCUMBER. Mr. President, I can not let go unchallenged the statement of the Senator that this case has not been paralleled. Let the Senator go back to the first case that I have read, and so far as the exigencies of that case are concerned it is far worse, and the Senator must admit it if he will read it over.

Mr. BROWN. The case the Senator cites is bad enough. I am not quarreling with the citation. As I observed a little while ago, the case the Senator cited demonstrates that the Senate did great injustice when it allowed that man only \$50 a month, but that is no argument why we should continue and extend an injustice to another man.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. BROWN. Certainly.

Mr. BORAH. I desire to ask the Senator from North Dakota a question. Is the pension which he referred to found in this bill?

Mr. McCUMBER. One is in the bill, I think, that was passed yesterday. I am not positive which one of the bills it is in. Does the Senator refer to the one I cited just now?

Mr. BORAH. Yes.

Mr. McCUMBER. Or the one I have moved to strike out?

Mr. BORAH. No; I am referring to the one where the Senator stated the facts were even stronger than in this case.

Mr. McCUMBER. It is in one of the bills which passed this body; I can not remember which bill.

Mr. BORAH. It passed the Senate at this session?

Mr. McCUMBER. Yes.

Mr. BORAH. And the committee limited the amount to \$50?

Mr. McCUMBER. The committee limited the amount to \$50, and has limited all of them for a good many years to \$50.

Mr. BORAH. And the facts in that case warranted a pension of as great amount as in this case?

Mr. McCUMBER. I consider that it warranted fully as much as in this case, without any possible question.

Mr. BORAH. If there is not some way to rectify those inequities, it seems to me we are legislating upon a wrong principle.

Mr. BRADLEY. Mr. President, I think it may well be assumed that an injustice has been done. So far as I am concerned, as a member of the committee, I was not aware of the condition in the particular cases which have been referred to or I never would have agreed to it.

The question that presents itself, however, Mr. President, is this: Because injustice has been done to one man or two men

or a dozen men by the committee, to which the attention of the Senate has never been called, does that authorize an injustice in a case to which the attention of the Senate is called and where the committee itself, despite this rule, has made a report allowing more than \$50. Doubtless if the Senators had their attention called to the cases relied upon as precluding the passage of this bill that bill would never have been passed.

I know this case, and I know all about it. I went before the committee and raised this question, and we fought it out before the committee. The committee seemed to manifest justice in this case and made its report.

I am ready at any time to correct, as far as in me lies, any injustice that has been done to any soldier by the committee or by the Senate in any other case, but I insist, sir, that we are now trying this case. We are trying it upon the favorable report of the committee.

The Senator from North Dakota states that it is not so much the amount that he objects to, but it is simply the rule; that he wants no precedent formed, when precedents have time and again been formed by the Senate in overruling the reports of committees confining the allowance to \$50.

Some Senators may have come in since I stated this case (there having been a roll call), and if the Senate will indulge me I will state it in a few words again.

Henry G. Trimble went into the Army when he was about 18 or 19 years of age. He lost an arm at the shoulder at the Battle of Dallas, Ga., in consequence of which no artificial limb can be substituted. For years he drew a very small pension. The pension, however, was increased from time to time until the amount fixed by the Congress for a man who lost an arm was made \$55, simply for the loss of the arm and nothing else. That amount was allowed to him. After that occurred, years afterwards, this man became paralyzed, wholly unable to do anything. Meanwhile his old wife became an invalid, so that she was unable to do anything to help him. In the meantime the man became absolutely destitute. These two old people have been boarding because they have no home, and both of them have to be waited on.

I ask the Senate to do just what it has done in other cases—to increase the allowance beyond that fixed by law. The amount which is fixed for the loss of an arm carries nothing for destitution, nothing for paralysis, and nothing for old age. All I have asked is simply to add \$10 a month more to the pension of this old man to relieve him and his wife in their helplessness in their little mountain home. No; not their home, because, as I have said, they have no home. I have simply asked the Senate to do justice to one of the best men who ever lived in the State of Kentucky; one of the most gallant soldiers who ever gave his blood and his arm to his country; a man who went forward in his young days and surrendered his young life, as the Senator from Idaho [Mr. HEYBURN] has said; a man who has suffered from that time to this, and who to-day is serving his country on a bed of sickness and helplessness.

If this case does not appeal to the Senate, then I know of no case that could appeal to the Senate or appeal to the hearts of men.

Mr. BORAH. Mr. President, I can not agree with the Senator from Kentucky that this is the only case before the Senate, in view of the facts which have been presented here. We are legislating for all those who stand upon the same footing or whose claim rests upon the same state of facts. This old soldier is fortunate in having upon the floor of the Senate a good and loyal friend, and he has undoubtedly received the benefit that one ordinarily receives from such a friend. But if there are others, those who may not have acquaintances here, those who may not have personal friends to go before the committee and plead their cause, who have the same facts to support their pension, there can not be any doubt but that it is our duty in taking care of this particular instance to see that those others are taken care of.

We are, in other words, legislating, as we here so often do, through personal influence rather than through a general principle. There can be no possible question but that if this pensioner is given \$65 and the others are neglected and passed by, it will be purely a case of his having a personal acquaintance and friend on the floor of the Senate. It will not be doing justice to the soldier; it will not be doing justice to those who stand upon an equal footing and treating all alike, but it will be simply legislating through personal influence, which we ought not to do.

I repeat that those who stand upon the same footing, who have the same facts to support their pensions, are just as deserving of the attention of the Senate at this time as this particular pensioner.

There are no most splendid soldiers, no most splendid generals, when it comes to a question for pensions, if the facts are

the same supporting each and every one. Then they stand upon an equal footing before the bar of their country and before the bar of the Senate. We ought to enforce this rule only in consideration of the fact that it shall be enforced with reference to all who stand upon the same basis.

Mr. NELSON. Mr. President, will the Senator from North Dakota inform me as to one thing? I understand the committee reported this case at \$65 a month. Am I correct about that?

Mr. McCUMBER. A majority of the committee reported it. Mr. NELSON. And in making his motion the Senator is moving for the minority of the committee?

Mr. McCUMBER. I move to strike out for no other purpose than that we will be granting soldiers already receiving \$55 a month \$10 more, and he will be receiving from the Government \$15 per month more than any of the other cases and more than we have allowed in a number of years.

Mr. NELSON. But a majority of the committee have recommended what is proposed in the bill?

Mr. McCUMBER. Yes, sir.

Mr. LODGE. Mr. President, the case stated by the Senator from Kentucky of course appeals very strongly to everybody's sympathy. In addition to the point the Senator from Idaho [Mr. BORAH] has made about the desirability of justice to all, that they should stand upon an equal footing, I should like to call attention to this practical consideration: We have a great number of these bills. For years we have been dealing with them according to the rule of the committee. It is quite true the rule does not bind the Senate; it does not bind the committee; but it has been the practice of the committee and the practice of the Senate for many years. We have all of us had cases where we felt the limit was too low. We have submitted to it because we have felt the wisdom of the committee's action.

Mr. BRADLEY. May I ask the Senator a question?

Mr. LODGE. Certainly.

Mr. BRADLEY. I should like to inquire of the Senator whether or not this rule of the committee has not been repeatedly disregarded by order of the Senate making an allowance of more than \$50 a month.

Mr. McCUMBER. Very seldom.

Mr. LODGE. My impression is that it was very seldom revoked, if at all.

Mr. BRADLEY. It has been done several times.

Mr. LODGE. Certainly very rarely. It has been the practice of the Senate to follow the committee.

Now, Mr. President, the Senate has been discussing this one case for something more than two hours. If all the limitations by the committee are removed, it will be the duty of every Senator in every case that awakens his sympathy and of which he has personal knowledge to come in here and get the largest possible pension for the case in which he is interested. It will be absolutely impossible to deal with the pension cases that come before us. There are 15,000, I think the chairman said, in this Congress. It will be absolutely impossible for us to deal with more than a comparatively small percentage of cases. The result will be that there will be hundreds of men who will get nothing, while we are struggling, each one of us, as we should be bound to do, to get the utmost we could in every case that excites our sympathy.

If we are not bounded by some general limitations as the law lays down, the practical result, to my mind, will be that we shall not only not treat all who are on an equal footing alike, but we shall shut out hundreds of deserving cases from ever being heard at all, because there will not be time to deal with them. It will not be physically possible for the committee or the Senate to deal with the cases if each individual case has got to be fought out here on its merits, the Senator who has it in charge contending for what he thinks is right.

What we want to do, Mr. President, is to do the greatest measure of justice we can to all the cases, and not to single out one and get into the practice of dealing with each case by itself without reference to the committee's action.

Mr. BRADLEY. Mr. President, I want to make a single observation. There is no limit in the lower House of Congress in the Pension Committee at this time, nor has there been for years. A number of bills have been passed in the lower House allowing \$60 per month.

Mr. LODGE. Will the Senator allow me to interrupt him a moment?

Mr. BRADLEY. Certainly.

Mr. LODGE. It is true there is no limit on the amount of pension that may be granted, but there is a limit on debate in the House.

Mr. BRADLEY. If that limit were enforced in the Senate I fear the Senator from Massachusetts would lose much of the time he occupies in that way.

Mr. LODGE. Very likely.

Mr. BRADLEY. I have occupied very little time.

Mr. LODGE. I spoke about three minutes on this question. I do not know what the Senator did.

Mr. BRADLEY. But I am very plain and very truthful in saying the Senator has spoken three hours to my three minutes since I have been in the Senate. I have consumed but very little time of the Senate. So far as I am concerned, I regret that I have had to consume any on this question. It was not my purpose to do it. It is not by my action, by any sort of means, that this debate has been precipitated, but by the action of others.

Now, the question I want to ask is this: What are we going to do with these bills that come over from the House, where they allow \$60? Shall we say that the rule of the Senate shall control the legislation of the House? If this precedent was overruled but once, when the rule of the committee was disregarded once, the bill passed became a law; it was a law that overruled a rule of the committee, and we are bound by the law rather than by the rules of the committee.

Mr. SMITH of Michigan. I think that in the case in which the Senator from Kentucky is interested the soldier is now pensioned under the general law at \$55 a month, which is seemingly in conflict with the arbitrary rule of the Pension Committee when the disability is loss of an arm.

Mr. McCUMBER. Mr. President, the law gives a man whose blindness is the result of disability of service origin \$100 a month. The committee does not give any greater amount in any of the cases. We do not give \$50 nor \$60 nor anything else. We say in those cases that the Government itself has given the soldier enough, so that it takes his case out of the principle of special legislation, namely, the principle of destitution. Therefore we do not consider any of those cases. We have not a single case of that kind.

Now, according to the Senator's argument, if a pensioner gets \$100 a month because he is blind, and he becomes paralyzed, we should raise it \$10 more a month, so as to make it \$110, because the Government is already giving him \$100.

Mr. SMITH of Michigan. No; but according to the Senator's argument \$55, which the general law gives to a soldier who lost an arm, is in excess of the rule of the committee.

Mr. McCUMBER. No; we do not interfere with the general legislation. We simply say, and I believe that is the purpose of the Committee on Pensions, that we grant pensions in special cases because the law in that particular case does not give enough to the pensioner to bring his case out of the plane of destitution.

Mr. SMITH of Michigan. Mr. President, if this soldier had been a banker or a man of large means, under the general law he would be a pensioner at \$55 a month, would he not?

Mr. McCUMBER. Yes; if he had been a billionaire it would have made no difference.

Mr. SMITH of Michigan. Under the law, if he lost an arm in war he would have been a pensioner at \$55 a month, whether he needed it or not. That is the general rule that has been laid down by Congress. That is the law to-day.

Mr. BORAH. It is a very unjust law.

Mr. SMITH of Michigan. Be it an unjust law or otherwise, I am not now arguing that matter. But in this particular case, if the statements of the honored Senator from Kentucky are to be accepted, this soldier is not getting enough under the general law. I do not believe that any soldier gets too much under the general or special law.

Mr. McCUMBER. The only matter that I want to meet is the fallacy of the Senator's argument that if the general law gave a certain amount, in a case of destitution or a case of additional injury we should go above that amount, because the general law had recognized a sum greater than we would grant. The Senator ought to keep, and the Senate ought to keep, constantly in mind the great, grand purpose of special legislation, to reach those cases of destitution that the general law does not reach, and in reaching those cases of destitution the moral obligation rests upon the Senate and upon the committee to treat every soldier alike and to have no favorites. That is all the chairman of the committee stands for.

Mr. BORAH. Mr. President, I want to know, again, if it is within the power of the committee to rectify these mistakes which have been made at this session?

Mr. HEYBURN. The Senate can do it.

Mr. BORAH. I am afraid if the committee does not do it the Senate, after the eloquent Senator from Kentucky has ceased to be interested, will forget about the others.

I do not propose, Mr. President, much as I should like to assist this particular soldier, to vote for a rule which will be applied to him alone, when the evidence or the facts here are



that there are a number of others who stand in precisely the same position who have not the good fortune to have the personal acquaintance of a Senator of the United States.

Mr. BRADLEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I do.

Mr. BRADLEY. Mr. President, so far as any injustice has been done to anybody, I am perfectly willing to introduce any bill that is necessary to see that justice is done. I want to say, in addition to that, that my esteemed friend from Idaho is a little mistaken when he says that the cases which have been referred to are exactly like the case that is now before the Senate.

Mr. BORAH. Well, some of them are not exactly like it, but seem to be worse.

Mr. BRADLEY. None of them are as bad.

Mr. BORAH. I have the statement of the Senator from North Dakota, who, I know, is quite familiar with all pension matters.

Mr. McCUMBER. The Senator can read one case, if he wants to, and he can determine whether or not it is a case as bad as that. All he needs to read is the statement made by the examining surgeon.

Mr. GALLINGER. Mr. President, if the Senator will permit me—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. I yield.

Mr. GALLINGER. There is a case in this very bill that appeals to me. I will not read all the report contains; but it is the case of Henry M. Endsley, which is found on page 19 of the report. He served in the Mexican War for a year and in the Civil War for three years. He is 90 years old and is helpless from rheumatism, disease of the heart, and old age, and requires the aid and assistance of another person; and \$50 is provided for him in this very bill. It is manifest that this old veteran of two wars, at the age of 90 years, practically helpless and requiring the aid and attendance of another person, ought at least to receive as much as the soldier whose case we have been considering. So that, if the rule is departed from, there will be inequalities that ought to be corrected, and this particular case ought to be corrected in this bill.

Mr. BRADLEY. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I yield to the Senator from Kentucky.

Mr. BRADLEY. Did this man lose an arm?

Mr. GALLINGER. He did not; but I do not think that makes any difference.

Mr. BRADLEY. Oh, of course not—

Mr. GALLINGER. That does not make any difference. The soldier who lost an arm got a larger pension from the time he left the Army because of the loss of that arm.

Mr. BRADLEY. Oh, no.

Mr. GALLINGER. Certainly he got a larger pension than the other man. It has been increased six times and more as appears from the report.

Mr. BRADLEY. But the pension he is receiving now was granted only a comparatively short time ago.

Mr. GALLINGER. But all through his history since the close of the Civil War he received a larger pension than the ordinary soldier did for disabilities. We have been more liberal with that class of soldiers.

Mr. BORAH. I find here is a case where a man did not lose an arm, but lost his jaw.

Mr. BRADLEY. That was worse.

Mr. McCUMBER. And lost an eye and the hearing of both ears.

Mr. BORAH. He also lost an eye and is deaf.

Mr. BRADLEY. I might suggest that the loss of a jaw would be a good thing for some Senators. [Laughter.]

Mr. BORAH. I am satisfied if my friend from Kentucky had been thus afflicted this bill would not be in the Senate.

Mr. President, I am only interested in one consideration, and that is in the equity of this rule. I want to know whether or not these matters are going to be corrected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota to strike out the clause on page 7, from line 7 to line 10, inclusive. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. BRADLEY. I ask for a division.

The amendment was rejected, there being on a division—ayes 17, noes 19.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DEATH OF REPRESENTATIVE DAVID J. FOSTER, OF VERMONT.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. DAVID J. FOSTER, late a Representative from the State of Vermont, and transmitted resolutions of the House thereon.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

House resolution 457.

*Resolved*, That the House has heard with profound sorrow of the death of Hon. DAVID J. FOSTER, a Representative from the State of Vermont.

*Resolved*, That a committee of 10 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect this House do now adjourn.

Mr. DILLINGHAM. Mr. President, I submit the resolutions which I send to the desk, and ask for their adoption.

The VICE PRESIDENT. The resolutions offered by the Senator from Vermont will be read.

The Secretary read the resolutions (S. Res. 259), as follows:

*Resolved*, That the Senate has heard with deep sensibility the announcement of the death of Hon. DAVID J. FOSTER, late a Representative from the State of Vermont.

*Resolved*, That a committee of nine Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased at Burlington, Vt.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The resolutions were considered by unanimous consent, and unanimously agreed to.

The VICE PRESIDENT appointed, under the second resolution, as the committee on the part of the Senate Mr. DILLINGHAM, Mr. PAGE, Mr. GALLINGER, Mr. LODGE, Mr. RAYNER, Mr. BURTON, Mr. JONES, Mr. PERCY, and Mr. THORNTON.

Mr. DILLINGHAM. As a further mark of respect to the memory of the deceased, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 36 minutes p. m.) the Senate adjourned until Monday, March 25, 1912, at 2 o'clock p. m.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, March 22, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal Spirit, our heavenly Father, in whom we live and move and have our being, our faith looks up to Thee in this hour of sorrow and grief. Surely Thou givest life and takest it away, not in death but in the larger life which awaits us all. A great sorrow has fallen into our hearts because one of our number has been taken away from us who for many years held a conspicuous place in the committee room and on the floor of this House; strong, pure, aggressive, he served his State and Nation with untiring energy. Help us to keep his memory green and copy his virtues. Solace the bereaved family with the hopes and promises of a bright beyond when the voice which was music to their ears, the eyes which looked love into their hearts, and the strong arms which upheld and sustained them shall receive them once more in a realm where there are no separations. "We are born for a higher destiny than that of earth. There is a realm where the rainbow never fades, where the stars will be spread out before us like the islands that slumber on the ocean, and where the beautiful beings that here pass before us like visions will stay in our presence forever." Thus may we believe; thus may we hope in the promises of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5440. An act to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia;

S. 2504. An act to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes;

S. 5271. An act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases;

S. 1093. An act to provide for the extension of Buchanan Street NW. between Piney Branch Road and Sixteenth Street and the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., District of Columbia;

S. 5375. An act for the relief of the police and fireman's pension funds, District of Columbia;

S. 1086. An act to amend sections 680 and 686 of the Code of Law for the District of Columbia;

S. 5465. An act for the relief of holders and claimants of preference rights on public lands;

S. 4839. An act for the relief of Mary J. Webster;

S. 4310. An act to provide for the purchase of a site and the erection of a public building at North Topeka, Kans.;

S. 2558. An act authorizing the installation of an elevator in the United States public building at Martinsburg, W. Va.;

S. 1895. An act to provide for the purchase of a site and the erection of a public building thereon at Farmville, in the State of Virginia;

S. 248. An act providing for the erection of a Federal building at Coeur d'Alene, Idaho;

S. 5077. An act providing for the erection of a Federal building at Pocatello, Idaho;

S. 5060. An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska;

S. 2186. An act to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park;

S. 5757. An act to abolish the penalty of imprisonment for desertion of seamen from vessels of the United States;

S. 2689. An act to provide for the erection of a public building at Mannington, W. Va.;

S. 3917. An act for the retirement of Henry R. Drake, captain, Philippine Scouts;

S. 4213. An act for the relief of the estate of Harriet B. Anderson and others;

S. 5491. An act for the purchase of a site and the erection thereon of a public building at Corvallis, Oreg.;

S. 5194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. J. Res. 91. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba;

S. 5493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 5670. An act granting pensions and increases of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 5415. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. 5244. An act to regulate the practice of dentistry in the District of Columbia.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 178. Joint resolution creating a commission to investigate and report on the advisability of the establishment of a permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the city of Anniston, county of Calhoun, State of Alabama, and to likewise report as to certain lands in and around the city of Anniston, county of Calhoun, State of Alabama, proposed to be donated to the United States for said purposes.

#### SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5440. An act to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia; to the Committee on the District of Columbia.

S. 2504. An act to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes; to the Committee on the District of Columbia.

S. 5271. An act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; to the Committee on the District of Columbia.

S. 1093. An act to provide for the extension of Buchanan Street NW. between Piney Branch Road and Sixteenth Street and the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., District of Columbia; to the Committee on the District of Columbia.

S. 5375. An act for the relief of the police and fireman's pension funds, District of Columbia; to the Committee on the District of Columbia.

S. 1086. An act to amend sections 680 and 686 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

S. 5465. An act for the relief of holders and claimants of preference rights on public lands; to the Committee on the Public Lands.

S. 4839. An act for the relief of Mary J. Webster; to the Committee on the Public Lands.

S. 4310. An act to provide for the purchase of a site and the erection of a public building at North Topeka, Kans.; to the Committee on Public Buildings and Grounds.

S. 2558. An act authorizing the installation of an elevator in the United States public building at Martinsburg, W. Va.; to the Committee on Public Buildings and Grounds.

S. 1895. An act to provide for the purchase of a site and the erection of a public building thereon at Farmville in the State of Virginia; to the Committee on Public Buildings and Grounds.

S. 248. An act providing for the erection of a Federal building at Coeur d'Alene, Idaho; to the Committee on Public Buildings and Grounds.

S. 5077. An act providing for the erection of a Federal building at Pocatello, Idaho; to the Committee on Public Buildings and Grounds.

S. 5060. An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation in the State of Nebraska; to the Committee on Indian Affairs.

S. 2186. An act to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park; to the Committee on the Public Lands.

S. 5757. An act to abolish the penalty of imprisonment for desertion of seamen from vessels of the United States; to the Committee on Naval Affairs.

S. 2689. An act to provide for the erection of a public building at Mannington, W. Va.; to the Committee on Public Buildings and Grounds.

S. 3917. An act for the retirement of Henry R. Drake, captain, Philippine Scouts; to the Committee on Military Affairs.

S. 5491. An act for the purchase of a site and the erection thereon of a public building at Corvallis, Oreg.; to the Committee on Public Buildings and Grounds.

S. 4213. An act for the relief of the estate of Harriet B. Anderson and others; to the Committee on Claims.

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 5194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 5244. An act to regulate the practice of dentistry in the District of Columbia; to the Committee on the District of Columbia.

S. 5493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 5670. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 5415. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. J. Res. 91. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military



Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba; to the Committee on Military Affairs.

APACHE INDIANS, FORT SILL, OKLA.

Mr. PALMER. Mr. Speaker, I move to discharge the Committee on Indian Affairs from the further consideration of House resolution 420, which was referred to that committee on February 20 last.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 420.

*Resolved*, That the Secretary of War be, and he is hereby, directed to transmit to this House at as early a date as may be convenient a report setting forth—

First. How many Apache Indians are now held as prisoners of war at the Fort Sill (Okla.) Reservation.

Second. How many of said Indians are males, and how many are females.

Third. How many of said male Indians are under 40 years of age.

Fourth. How many of said Indians are known, at any time prior to their capture, to have been engaged in hostilities against the United States, or to have committed acts of violence against citizens or residents of the United States.

Fifth. The names, ages, present condition of health and general conduct of the Indians coming under the terms of the last paragraph.

Sixth. The military necessity, if any, for continuing to hold said Apache Indians as prisoners of war.

Seventh. By what authority the said Apache Indians are now held as prisoners of war, and particularly by what authority those of said Indians who were born in captivity, and who have come of age while still in captivity, are so held.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to discharge the Committee on Indian Affairs from the further consideration of the resolution.

The question was taken, and the motion was agreed to.

Mr. PALMER. Mr. Speaker, I move the adoption of the resolution.

Mr. FERRIS. Mr. Speaker, the Secretary of War has on file with the Committee on Indian Affairs a full and complete report with reference to this matter, made after a long and careful investigation conducted last October. I had no notice or information that this was coming up at this time, and I do not know that I have any opposition to it other than that I thought it was proper to state that there is some legislation pending to dispose of this matter, and the Secretary of War has reported at great length upon it. I do not, looking at it hurriedly, see anything in the resolution that is objectionable, but the resolution has had no consideration in the committee at all.

The SPEAKER. That is the very thing that makes it privileged.

Mr. PALMER. It is hardly correct for the gentleman to say that he has had no information about this resolution.

Mr. FERRIS. I do say that.

Mr. PALMER. I spoke to the gentleman and to the chairman of the committee, and to other members of the committee, about the resolution, and they all agreed with me that the information which I was after was proper to be considered by the committee in connection with legislation pending before that committee. This resolution of inquiry went to the Committee on Indian Affairs more than a month ago, and under the rules some report, either favorable or adverse, should have been made within seven days.

It is because the Committee on Indian Affairs has given no consideration to the matter that I am asking that this resolution be now passed. If it be true, as the gentleman states, that the Secretary of War has made report on this proposition, that is the first knowledge I have had that such is the fact, and other friends of these Apache Indians, who were interested adversely to the proposed legislation by which these Apaches will be taken from what they claim to be their own reservation and transplanted down into the southwestern part of the country somewhere, have not had any information, either.

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

Mr. PALMER. Yes.

Mr. FERRIS. The gentleman does not say that he ever talked to me about a resolution of this kind?

Mr. PALMER. Oh, yes, I do.

Mr. FERRIS. Mr. Speaker, the gentleman was never more seriously mistaken in his life than he is now. He talked to me about the Indians, but he never at any time intimated that he had anything pending for them or in their behalf, and certainly has never appeared before the committee, for I never have missed one session of the committee. The gentleman from Pennsylvania has never been before the committee at any time and has never mentioned it to me personally.

Mr. PALMER. Mr. Speaker, I do not care to get into a discussion involving the recollection, much less the veracity, of the gentleman from Oklahoma and myself. He probably misunderstood what I said to him in reference to it. The gentleman from Oklahoma has introduced a bill which, in effect, will

take these Indians, who have been held as prisoners of war for the last 25 years—the Apaches at Fort Sill—and transplant them down into Arizona or New Mexico among the Mescalero Indians. There are something in the neighborhood of 240 of these Indians at the present time, only perhaps a half dozen or more being amongst those who were originally taken prisoners when Geronimo and his band were imprisoned at Fort Sill.

A large grant of land has been made on the condition, as I understand it, that it should be allotted finally as a home for these Indians, and friends of the Indians in other parts of the country are very seriously objecting to any movement which will take the Indians from the land which they claim to be their own, and which they think ought to be allotted to them for homes after they are released as prisoners of war. After the gentleman from Oklahoma had introduced that bill, and it had been called to my attention by some Friends in Pennsylvania, who were interested in this tribe of Indian prisoners, I spoke to the gentleman in reference to it and told him that I had been urged to oppose it, and that I had concluded to start the matter by asking for some definite information from the War Department in relation to the number and the condition of these Indian prisoners of war, and that a resolution of that kind had been introduced by me and referred to his committee.

Mr. FERRIS. Oh, the gentleman does not say that he said that to me?

Mr. PALMER. Yes.

Mr. FERRIS. The gentleman is very much mistaken.

Mr. PALMER. Well, it is a small matter. I talked with the gentleman about it.

Mr. FERRIS. The gentleman talked with me about my bill, but never about his bill.

Mr. PALMER. Yes; about the gentleman's bill and about the information that I desired to get by this resolution of inquiry. Be that as it may, Mr. Speaker, the resolution was introduced, and it went to the Committee on Indian Affairs on the 20th of February, and, as I understand it, there is no objection on the part of the Committee on Indian Affairs to getting all this information before any legislation of any character in relation to these Indian prisoners of war is put through the committee.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. PALMER. Certainly.

Mr. STEPHENS of Texas. Mr. Speaker, it is not the custom of our committee, or of any committee of the House that I know of, to take up any resolution or bill unless the author of the resolution or bill comes before the committee and requests that it be taken up. There are always Members present at our committee meetings with bills and resolutions that are pressing for consideration. I presume the same rule obtains in other committees. I have no objection whatever to this resolution. I desire to say that these Mescalero Apache prisoners escaped from their reservation in New Mexico, under the leadership of Geronimo, some years ago and murdered a great many helpless citizens, including women and children, and destroyed a great deal of property. They were captured by the soldiers of the United States Army and first carried to Florida as prisoners of war, and afterwards, by act of Congress, they were permitted to be kept at Fort Sill, Okla., and they are still there under the control and direction of the military branch of the Government. These Indians are really no more prisoners of war than we are. Many of them have been permitted to leave the reservation. The town of Vernon, where I live, is 50 miles from Fort Sill, and Geronimo was himself there very frequently. They have not been and are not now prisoners of war in the sense that we usually understand that term. I think that being prisoners of war in the way that they are is a benefit to them. They have to work, and they are more nearly civilized and command more respect among the people of that country than do the Comanche and the Kiowa Indians, among whom they live. I only wish that we had more such prisoners of war among our Indians than we have at the present time, if they would all be improved and forced to become industrious and self-sustaining like these Indians are who are under the military authorities at Fort Sill have become while they have been held—nominally only—as prisoners of war. They ran away from their homes on the Mescalero Reservation, in New Mexico, and went on the warpath under the leadership of Geronimo, and they should be now released as prisoners, returned to their old homes by Congress, and allotted lands on their old reservation, as they have not forfeited their rights there.

Mr. FERRIS. Mr. Speaker, this resolution comes up in a way that is somewhat remarkable to me. For the last two or three years I have been introducing resolutions and bills and

attempting to get some action on this particular question. At this time, at my solicitation and on my bill, the War Department has made a report at great length and in great detail upon this identical question. The gentleman from Pennsylvania [Mr. PALMER] never has at any time darkened the door of the Committee on Indian Affairs and asked that this resolution be considered. I submit that the Committee on Indian Affairs at least ought to have the opportunity of looking at the resolution or of having it called up by its author.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. I hope I may proceed a moment without interruption.

The SPEAKER. The gentleman declines to yield.

Mr. FERRIS. I will be very glad to yield later. The gentleman from Pennsylvania represents a Pennsylvania district, and he represents some people who have good motives and who want to do the right thing. I have not the least word of criticism to make against them. However, these Indians are located within 4 miles of my home, and I know the situation and I know the conditions and I think know something about what they need. To introduce a resolution coming from the angle that it does, which has never been presented to the Committee on Indian Affairs, that has never been called up by its author or submitted to anybody, is a procedure that I think the House would hardly want to adopt; and without attempting to oppose the merits of the resolution, I do say that when the War Department has reported and are struggling to make some disposition of this matter themselves, while the Interior Department now has a report partially drawn on legislation that accomplishes what the gentleman seeks to do, I myself being in favor of accomplishing what he seeks to do, such drastic and unusual action would, I think, at least be unnecessary.

I think the gentleman and I are thinking along precisely the same line, but what could be the purpose of inaugurating a scheme or a plan in this House to discharge committees when the author of the resolution had never suggested to the committee or never stepped inside the committee room asking that anything be done with his resolution, and I think the resolution ought to be voted down. I now yield to the gentleman from Nebraska.

Mr. NORRIS. Mr. Speaker, I would like to suggest to the gentleman from Oklahoma that we have already voted to discharge the committee.

Mr. FERRIS. The gentleman is correct about that, but I think they did it without full consideration or knowing the facts.

Mr. NORRIS. I understand that. If the gentleman had made his statement before the motion was passed, I am satisfied the House would have voted against the motion to discharge the committee.

Mr. FERRIS. I think so.

Mr. NORRIS. And I suggest to the gentleman that the proper parliamentary procedure would be to move to reconsider the vote.

Mr. FERRIS. I intend to make that motion at the proper time.

Mr. NORRIS. The committee has been discharged, and then, if the House so desires, the resolution may go back to the committee, where, it seems to me from the gentleman's statement, it ought to go.

Mr. FERRIS. I intend to make that motion.

Mr. MANN. Will the gentleman yield for a question?

Mr. FERRIS. I do.

Mr. MANN. Does not the gentleman think under the rules of the House it is the duty of the committee to consider every inquiry resolution, which is a privileged resolution, regardless of whether somebody calls it up in the committee?

Mr. FERRIS. I am very loath to even debate the practice or custom of the rules of the House with the gentleman from Illinois, because in all frankness and candor I recognize the superiority of the gentleman over anybody on that proposition; but at the same time I want to appeal to his real knowledge of procedure, the way things are actually done, and I think he will agree with me when I say that no committee takes up matters unless somebody comes around and calls it to the attention of the chairman of the committee or comes himself and calls it up.

Mr. HAY. The gentleman from Oklahoma is mistaken about the practice.

Mr. MANN. If the gentleman will pardon me, I was for a while chairman of a committee and for a long time a member of a committee which invariably took notice itself of every privileged resolution which was referred to the committee, and either acted upon it within the six days required or knowingly

let it go without action, so that it was privileged in the House, and it never waited for the author of the resolution to appear before the committee to ask for the consideration of the committee.

Mr. FERRIS. But the gentleman does not assume to say that course is pursued by any considerable number of committees?

Mr. MANN. I think that is the practice of the committees.

Mr. FERRIS. I will say that the committees I have been on have never pursued that course.

Mr. MANN. Well, they ought to change it.

Mr. FERRIS. Perhaps they should; I do not argue that; but I am only contending what my information had been on the subject.

Mr. PALMER. A point of order, Mr. Speaker. I have the floor. I was recognized when I made my motion.

The SPEAKER. The gentleman from Pennsylvania was recognized for an hour, if he desired that time.

Mr. PALMER. And I yielded to the gentleman from Oklahoma. I thought I was recognized in my own right.

The SPEAKER. The gentleman from Pennsylvania was recognized.

Mr. FERRIS. I desire to be recognized at the proper time to make my motion.

Mr. PALMER. Mr. Speaker, I want to say a word in answer to what the gentleman from Oklahoma has said. I am not criticizing the conduct of the Committee on Indian Affairs in any way, and neither do I think it proper that any member of the Committee on Indian Affairs should criticize me for the way in which I have presented and pressed this resolution. I understand that the way in which I have done it is in strict accord with the practice in the House, certainly with the practice which has obtained during the short time I have been here. It is true that the ordinary bill or resolution which goes to a committee is followed up by its author, who appears before the committee and presses its consideration, but there is no duty on the part of the Member so to do. On the other hand, it is the duty of the committee to which the resolution is referred to take the matter up on its own initiative. That is the reason for which proposed legislation has been referred to the committees of the House, but in respect to resolutions of inquiry the practice here has been that, it being of a highly privileged character, after seven days the committee gives it consideration, or, on failure to give consideration, recognizes the fact that the Member who introduced the resolution may follow the matter to the floor, where it can be thrashed out.

And yet, with regard to a resolution of inquiry, I would not consider that it would be proper for a Member to make this motion on the floor without having taken the matter up with the committee. And therefore, as the gentleman from Texas [Mr. STEPHENS] will agree, I spoke to him as the chairman of the committee in reference to the resolution. He probably, in the press of other business before the committee, overlooked it, because it was not a matter about which there was any controversy or any contest. Everybody on the committee, so far as I know, is agreed that the information should be at hand, and everybody who is interested in this legislation agrees that this is the best if not the only proper way to secure that information.

The gentleman from Oklahoma [Mr. FERRIS] says that a report has already been made by the War Department giving this exact information to the committee. My only answer to that is that there are other Members in the House interested in this legislation besides the Committee on Indian Affairs, and the report from the War Department to that committee, kept within its own bosom and not communicated to other Members, will not reach the proposition which I have in view, and that is that all the Members of the House may be advised of the conditions in regard to these Indian prisoners, in order that when the several pieces of legislation affecting them come before the House Members may intelligently vote upon the question.

Now, Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] has 20 minutes remaining.

Mr. PALMER. I yield 19 minutes to the gentleman from Oklahoma [Mr. FERRIS].

The SPEAKER. The gentleman from Oklahoma is recognized for 19 minutes.

Mr. FERRIS. Mr. Speaker, I want to again state that this resolution has never been called to my attention. I have never heard of it before. I did not know it had ever been introduced, and I never saw it until this minute. Now, I greatly hope the House will not adopt this unusual course. However, I do not know that I have, or that I have not, any objection to its



passage. Why not let this bill be referred to the committee from whence it came, and give them an opportunity to consider it—at least look at it—with instructions to rereport it at the expiration of seven days, the usual time? And at the proper time I want to make that motion.

Mr. BURKE of South Dakota. Mr. Speaker—

Mr. MANN. Will the gentleman yield?

The SPEAKER. To whom does the gentleman from Oklahoma [Mr. FERRIS] yield?

Mr. FERRIS. I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Speaker, I would suggest to the gentleman from Oklahoma [Mr. FERRIS] and to the gentleman from Pennsylvania [Mr. PALMER] that I think there is clearly a misunderstanding as to why this resolution was not reported on by the committee. The committee meets on Monday, and I understand the House will adjourn to-day to meet on Monday. I would suggest that the gentleman should not press the passage of the resolution and give the committee until Monday to make a report.

Mr. PALMER. If the gentleman will permit, it is no reflection on the Committee on Indian Affairs to pass a resolution like this. The entire committee is agreed that the information ought to be obtained. I am not making any reflection upon the committee or criticizing it in any way. I just want to move the thing along. We have had the resolution in the House over a month, and, as the gentleman from South Dakota says, a report could be made in two or three days, and I take it, as all the members of the committee are agreeable to the proposition, it would be a favorable report. Why not then pass a resolution now and be done with it?

Mr. STEPHENS of Texas. We meet on Monday—

Mr. FERRIS. Let me suggest that the War Department has already reported on legislation which will accomplish what the gentleman desires, and the report is in the committee now touching all the things the gentleman has asked for. He ought to advise himself and acquaint himself with the fact that the committee has been advised the report of the War Department is there, and the only thing that keeps the committee from acting now is that it affects two departments, viz, the War Department and the Interior Department. The Interior Department has not yet determined what the report should be.

Mr. PALMER. That is all right; but I want a report to the House.

Mr. MANN. If, as the gentleman states, there is now in the Committee on Indian Affairs a report which substantially complies with the request of the resolution, and that report of the Committee on Indian Affairs not being a House document and not printed for the benefit of the Members of the House, what possible objection is there to passing a resolution having the Secretary of War send the information to the House officially, so it could be printed, as it would be under such conditions, for the benefit of the Members of the House?

Mr. FERRIS. But, if the gentleman will permit me, I take it that the House does not want to do an idle thing. The Indian Committee has authority to accomplish legislation which will reach completely what the gentleman wants. This question concerns two departments of the Government, the Department of the Interior and the War Department, the War Department now having jurisdiction of the Indians, and the Department of the Interior must take jurisdiction where the War Department leaves off; it concerns both departments. The War Department has reported, and the report is there, which will be made public as soon as the committee reports the bill.

Mr. MANN. Are not the Members of the House entitled to the information before the bill is perfected and before the bill is reported? This simply asks for information, and if the resolution is passed the Secretary of War will send the information to the House and it will be printed for the benefit of the Members, so that they may have it in connection with the legislation—not after the legislation is reported, but before it is reported. What possible objection is there to asking for information concerning matters which may arise in legislation?

Mr. FERRIS. Perhaps none; but the answer to the gentleman's question ought to be conclusive when the fact is that the Committee on Indian Affairs never looked at this resolution. I did not know it was introduced until to-day, and the committee has taken no action on it whatever. They have never seen it or considered it a moment, and committees that are elected ought to have some mission to perform.

Mr. MANN. And yet it is the invariable practice of the House and of the committees of the House, where a resolution is introduced simply calling for information from a department which a Member desires to obtain, to report the resolution favorably; or, if committee does not act, the House passes the resolution, if the committee has not reported it, on the

theory that Congress is entitled to any information from any of the departments which would throw light upon any proposed legislation. Now, what objection is there to passing the resolution and getting the information? It does not reflect upon the committee.

Mr. FERRIS. Not at all; but surely the committee has the right to have it called to their attention before they are discharged.

Mr. MANN. It does not reflect upon the action of the committee.

Mr. FERRIS. Not at all; but if the committee has all the information that the gentleman asks for, and is willing to give it to anybody on earth, what would be the use of passing another resolution and having the Secretary of War again report?

Mr. Speaker, I ask unanimous consent that this bill be referred to the Committee on Indian Affairs, with instructions to report the same within five days.

The SPEAKER. What is the request which the gentleman makes?

Mr. FERRIS. I ask unanimous consent to reconsider the vote formerly taken, and that this bill be rereferred to the Committee on Indian Affairs, and that that committee be instructed to report the same back within five days.

Mr. PALMER. I make the point of order, Mr. Speaker, that the gentleman is using my time. He was granted 19 minutes to debate this question, not to make a motion.

Mr. FERRIS. I ask unanimous consent, Mr. Speaker, that that be done.

Mr. PALMER. I object to it.

The SPEAKER. The point of order is sustained. The gentleman was recognized for the purpose of debate.

Mr. PALMER. Now, Mr. Speaker, I move the previous question on the adoption of the resolution.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] yielded 19 minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. PALMER. I thought the gentleman was through.

Mr. FERRIS. I ask the gentleman what possible objection there can be to giving a committee of the House the benefit of what it knows about this matter?

Mr. PALMER. In theory, at least, the Committee on Indian Affairs has been considering this resolution since the 20th day of February, and that is plenty of time for a committee to consider a resolution concerning which there is no controversy and no contest. Nobody in the world has any objection to the passing of the resolution at some time. The only objection urged by the gentleman from Oklahoma seems to be that the author of the resolution did not come before his committee and press its immediate consideration.

Mr. FERRIS. The gentleman does not dispute that?

Mr. PALMER. No; the gentleman does not dispute that. I did not go before the Committee on Indian Affairs. I did not consider it to be a part of my duty to do so.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from South Dakota?

Mr. FERRIS. I do.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Oklahoma if the Committee on Indian Affairs has in its possession the information which the resolution calls for?

Mr. FERRIS. I think so. They have a long report on the subject.

Mr. BURKE of South Dakota. If the committee would act upon it, they would probably report to the House the information that the resolution asks for, and thus accomplish the purpose of the resolution?

Mr. FERRIS. Precisely.

Mr. BURKE of South Dakota. I can not understand, therefore, why the gentleman from Pennsylvania [Mr. PALMER] objects to allowing it to go over until Monday, say. I think the gentleman from Oklahoma [Mr. FERRIS] can assure the House that if the resolution does go over until Monday the committee will make a report on that day.

Mr. FERRIS. I am more anxious to have the War Department report printed than anybody in this House. It elaborates the situation exactly as it is, and I think it gives the information which the gentleman from Pennsylvania, at least, wants. I have no objection to the reporting of that information to the House, except that I do not approve of the course pursued by the gentleman toward a committee upon a matter of which he knows nothing. It is a course that ought not to be adopted.

Mr. PALMER. That is the practice universally adopted by Members desiring to secure information, and in view of my disclaimer of any intention or desire to reflect on the committee

and the unanimous feeling all around that we ought to have this information, I think the resolution ought to be passed. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken; and at the suggestion of the Speaker, the House divided; and there were—ayes 37, noes 93.

So the resolution was not agreed to.

Mr. PALMER. Mr. Speaker, I ask unanimous consent that the vote by which the Committee on Indian Affairs was discharged from the consideration of House resolution 420 be vacated and that the resolution be again referred to that committee, with the understanding that a report be made thereon by Monday next.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] asks unanimous consent that the vote just taken on the resolution be vacated, and also the vote discharging the committee, and that the resolution be referred to the Committee on Indian Affairs with the understanding that they are to report not later than next Monday.

Mr. FERRIS. I think, Mr. Speaker, the gentleman had better give the committee a little more time, say five days.

Mr. PALMER. I am willing to allow 10 days.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FERRIS. Mr. Speaker, it has been suggested here that the request embodied the last vote. That is not true, is it, that the last vote, taken by a standing vote was to be vacated? That is not true.

The SPEAKER. Of course both votes have to be vacated. If the last were vacated and the first were not you would be right back to the point where you started.

Mr. FERRIS. The request of the gentleman was to vacate the first vote, not the last one.

Mr. MANN. It had to be reconsidered.

The SPEAKER. The resolution is dead unless both votes are vacated. If you vacate the last one without vacating the first one you are right at the point where you started.

#### WITHDRAWAL OF PAPERS.

Mr. WILSON of New York, by unanimous consent, was granted leave to withdraw from the files of the House the papers in the case of Frederick Lange, H. R. 30472, Sixty-first Congress, no adverse report having been made thereon.

#### DEATH OF REPRESENTATIVE FOSTER OF VERMONT.

Mr. PLUMLEY. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Vermont offers a resolution, which will be reported by the Clerk.

The Clerk read as follows:

House resolution 457.

*Resolved*, That the House has heard with profound sorrow of the death of Hon. DAVID J. FOSTER, a Representative from the State of Vermont.

*Resolved*, That a committee of 10 Members of the House (with such Members of the Senate as may be joined) be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate, and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

#### ADJOURNMENT.

Mr. PLUMLEY. Mr. Speaker, I have another resolution.

The SPEAKER. The gentleman from Vermont offers a resolution which will be reported by the Clerk.

The Clerk read as follows:

*Resolved*, That as a further mark of respect this House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock p. m.) the House, under the order heretofore agreed to, adjourned until Monday, March 25, 1912, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, relative to House resolutions Nos. 333 and 349, directing the Secretary of the Treasury to furnish the House list of persons shown to have sold cotton to the Confederate States, etc. (H. Doc. No. 639); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mississippi River revetment banks below Cairo, Ill.

(H. Doc. No. 638); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of K. D. Bookout and F. M. Bookout, sole heirs of Sarah D. Bookout, deceased (H. Doc. No. 641); to the Committee on War Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of trustees of Timberridge Presbyterian Church, of Henry County, Ga. (H. Doc. No. 640); to the Committee on War Claims and ordered to be printed.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ADAIR, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 22261) granting pensions and increase of pensions for certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 439), which said bill and report were referred to the Private Calendar.

Mr. CARTER, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution (S. J. Res. 69) authorizing the licensing and employment of Otto Neuman Sverdrup as master of vessels of the United States, reported the same without amendment, accompanied by a report (No. 440), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PAYNE: A bill (H. R. 22262) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. HUGHES of Georgia: A bill (H. R. 22263) to promote the efficiency of the Medical Department of the United States Army; to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 22264) to amend an act for the protection and regulation of the fisheries of Alaska; to the Committee on the Territories.

By Mr. CLAYTON: A bill (H. R. 22265) to amend section 786 of the Revised Statutes; to the Committee on the Judiciary.

By Mr. BATHRICK: A bill (H. R. 22266) to authorize the erection of a new public building at Akron, Summit County, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 22267) to prevent the issuing or accepting in interstate commerce of forged and fraudulent bills of lading; to the Committee on Interstate and Foreign Commerce.

By Mr. SWEET: Joint resolution (H. J. Res. 277) proposing an amendment to the Constitution prohibiting polygamy; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ANDERSON of Minnesota: A bill (H. R. 22268) granting a pension to John Wiczorek; to the Committee on Pensions.

By Mr. ANDRUS: A bill (H. R. 22269) granting an increase of pension to Mary Evans; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 22270) granting an increase of pension to Caroline L. Loftus; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 22271) for the relief of Hiram W. Bays; to the Committee on War Claims.

By Mr. CLINE: A bill (H. R. 22272) granting an increase of pension to George Keller; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 22273) granting a pension to Emma Bee; to the Committee on Invalid Pensions.



By Mr. DICKINSON: A bill (H. R. 22274) granting an increase of pension to Simon S. Coy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22275) granting an increase of pension to William B. Fleming; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 22276) granting a pension to Lizzie J. Hoadley; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 22277) granting an increase of pension to Chester F. Cole; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 22278) granting an increase of pension to Jasper A. Gaddy; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 22279) granting a pension to Albert Whitener; to the Committee on Pensions.

Also, a bill (H. R. 22280) granting an increase of pension to Joseph F. Dixon; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 22281) granting a pension to Harry Hall; to the Committee on Pensions.

Also, a bill (H. R. 22282) granting a pension to Althea J. Boyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22283) granting a pension to Theodore T. Dowdall; to the Committee on Pensions.

Also, a bill (H. R. 22284) granting an increase of pension to James J. Walsh; to the Committee on Pensions.

By Mr. LEWIS: A bill (H. R. 22285) for the relief of John Newton; to the Committee on Military Affairs.

Also, a bill (H. R. 22286) granting a pension to Teresa Gibbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22287) granting an increase of pension to William H. Taylor; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 22288) granting an increase of pension to Dallas Patrick; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 22289) for the relief of Stoddard County, in the State of Missouri, for the use and occupation of the courthouse of said county by the Union soldiers during the Civil War; to the Committee on War Claims.

By Mr. SELLS: A bill (H. R. 22290) for the relief of Lincoln S. Jones; to the Committee on Military Affairs.

Also, a bill (H. R. 22291) granting a pension to Oscar C. Oliver; to the Committee on Pensions.

Also, a bill (H. R. 22292) granting an increase of pension to Hugh H. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 22293) granting an increase of pension to Della A. Cooter; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 22294) to reimburse W. A. Gara, clerk in charge post-office station No. 28, Los Angeles, Cal., for loss of postage stamps; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 22295) granting a pension to Mary A. Mann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22296) granting an increase of pension to James A. Waddell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22297) granting an increase of pension to James Skelton; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 22298) granting an increase of pension to Jack Woods; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petitions of Granges Nos. 1063 and 1429, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Minnesota: Petition of the First State Bank and 16 others of Le Roy, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Memorial of Grange No. 1448, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Carl Bros. and 15 other merchants of Shreve, Ohio, protesting against parcel-post legislation; to the Committee on Post Office and Post Roads.

Also, petition of Joe Green and others, of Newark, Ohio, protesting against enactment of proposed interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, memorial of Buckhorn Grange, No. 1445, Tuscarawas County, Ohio, asking for the enactment of the proposed parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of T. P. Peter, mayor and merchant of Canal Dover, Ohio, protesting against the enactment of the proposed parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of J. H. Newton and 20 other citizens of Newark, Ohio, protesting against the enactment of any legislation prohibiting the interstate commerce of liquors; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of citizens of New York City, favoring old-age pensions; to the Committee on Pensions.

By Mr. BOWMAN: Petition of Grange No. 813, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Memorial of members of United Harbor, No. 1, of the American Association of Masters, Mates, and Pilots, for legislation promoting efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of I. S. Rosenberg, of Brooklyn, N. Y., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. CATLIN: Petition of William Graham, of Deer Street Theater, St. Louis; E. W. Linn, Sherman Theater, St. Louis; Dan S. Fishell, Princess Theater, St. Louis; M. J. Nash, King Bee Theater, St. Louis; Edward Berger, Clayton Airdome, St. Louis; William Goldman, St. Louis Theater, St. Louis; J. W. Gillespie, Arco Theater, St. Louis; Charles Mockobey, Valley Park, Mo.; and William P. Flinn, Maffitt Theater, St. Louis, favoring the passage of House bill 20595, amending the copyright law; to the Committee on Patents.

Also petition of the United Garment Workers of America, Local Union No. 26, of St. Louis, Mo., favoring the passage of House bill 20423, providing for the registration of labels in the District of Columbia and Territories; to the Committee on Patents.

Also, petition of Camp Corporal Lorraine B. De Witt, Army of the Philippines, favoring the passage of House bill 17470, additional widow pension bill; to the Committee on Pensions.

By Mr. COX of Ohio: Memorial of convention of District No. 6, United Mine Workers of America, favoring the old-age pension bill; to the Committee on Pensions.

By Mr. DANFORTH: Petition of Towarzystwo Rzemieslnikow Polskich of Rochester, N. Y., protesting against legislation providing for an educational test of aliens entering the United States; to the Committee on Immigration and Naturalization.

By Mr. DAVIS of West Virginia: Petition of sundry citizens of the first congressional district of West Virginia, praying for a speedy report on House bill 16214; to the Committee on the Judiciary.

By Mr. DICKINSON: Petition of 12 citizens of the sixth congressional district of Missouri, for enactment of House bill 20595, amending section 25 of the copyright act of 1909; to the Committee on Patents.

By Mr. DONOHUE: Memorial of Beardstown (Ill.) Chamber of Commerce, against granting permission to increase the flow of water from Lake Michigan into the Illinois River; to the Committee on Rivers and Harbors.

By Mr. DOREMUS: Petition of W. J. Lime and others, of De Witt, Mich., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Memorial of Los Angeles (Cal.) Chamber of Commerce, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Memorial of Los Angeles (Cal.) Chamber of Commerce, against charging American ships tolls in the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Business Men's League, of St. Louis, Mo., against House bill 16844, requiring manufacturers to bear the name of the manufacturer; to the Committee on Interstate and Foreign Commerce.

Also, petition of numerous citizens of St. Louis, Mo., favoring the speedy passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of J. Harvey Slater, Richmond, Mo., favoring supervision of the Bureau of Animal Industry; to the Committee on Agriculture.

Also, petition of the Consolidated Coal Co., of St. Louis, Mo., favoring a labor commission; to the Committee on Labor.

Also, papers to accompany House bill 22056; to the Committee on Claims.

Also, petitions of T. B. Frary and Leonard R. Woods, of St. Louis, Mo., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of C. E. Udell & Co., cheese dealers, of St. Louis, Mo., against the parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of St. Louis Photo-Engravers' Union, No. 10, International Photo-Engravers' Union of North America, favoring House bill 20423; to the Committee on the District of Columbia.

Also, petition of George P. Meyer, of Knickerbocker Theater, St. Louis, Mo., favoring amendment of the copyright act of 1909; to the Committee on Patents.

By Mr. ELLERBE: Memorial of the church conference of the Methodist Episcopal Church South of Dillon, S. C., asking the speedy passage of the Kenyon-Sheppard interstate liquor shipment bill; to the Committee on the Judiciary.

By Mr. ESCH: Papers to accompany bill for the relief of Chester F. Cole; to the Committee on Invalid Pensions.

Also, petitions of citizens of Kendall and Onalaska, Wis., for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

Also, petitions of dairymen and citizens of Northfield, Cash-ton, Melvina, West Salem, Hixton, Sechlerville, La Crosse, Chili, Granton, Marshfield, Greenwood, Oakdale, Tomah, Bangor, Withee, and Neillsville, Wis., protesting against the Lever bill (H. R. 18493); to the Committee on Agriculture.

Also, memorial of Twenty-sixth Annual Closing Wisconsin Farmers' Institute, held at Neenah, Wis., in favor of a general parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petitions of Granges Nos. 1340 and 1403, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of the Methodist Episcopal Church of Verona, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Consolidated Coal Co., of St. Louis, Mo., favoring the creation of Federal industrial commission, etc.; to the Committee on Labor.

Also, petition of Montgomery Ward & Co., of Chicago, Ill., favoring certain amendments to the patent laws; to the Committee on Patents.

Also, petition of the Woman's Christian Temperance Union of Verona, Ill., for the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of E. S. Sheley, of R. F. D. No. 2, Belvidere, Ill., and of Manley Munson, R. F. D. No. 1, Beloit, Wis., favoring the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of Oakley W. Esmond, of Ottawa; Morrissey Bros., of Dwight; W. F. Elliott, of De Kalb; O. T. D. Berg, of Malta; and Robert O. Fuller, of Waterman, all in the State of Illinois, in favor of a parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Petition of Marcelina Local Union, Wilson County, Tex., favoring the bills to prevent gambling in farm products, a general parcel post, further restriction of foreign immigration, and the market bill, better known as the Webb-Callaway bill (H. R. 19069); to the Committee on Interstate and Foreign Commerce.

By Mr. GODWIN of North Carolina: Memorial of the Chamber of Commerce of Wilmington, N. C., for the creation of an international commission on the cost of living; to the Committee on Foreign Affairs.

By Mr. HARTMAN: Memorial of Local Union, United Mine Workers of America, Patton, Pa., advocating the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorials of Barr Grange, No. 1121, Patrons of Husbandry, Cambria County, Pa., and Allegheny Grange, No. 1154, Blair County, Pa., favoring the passage of parcel-post bill (H. R. 19133); to the Committee on the Post Office and Post Roads.

Also, memorial of the Philadelphia Chamber of Commerce, favoring the continuance of the Tariff Commission and the appropriation of funds to carry on its work; to the Committee on Ways and Means.

Also, petition of A. J. Oaks and 63 other citizens of South Fork, Pa., favoring the Kenyon-Sheppard interstate liquor shipment bill and the Hobson amendment; to the Committee on the Judiciary.

By Mr. HAYDEN: Petition of residents, officials, and official bodies of Gila County, Ariz., asking that law be enacted providing that the United States court for the district of Arizona hold its sessions in three or more places in said district, and that Globe, Gila County, be named as one of the places where sessions of said court be held; to the Committee on the Judiciary.

Also, petition of K. H. Lippert and certain other citizens of Bisbee, Ariz.; Richard Humphrey and certain other citizens of

Lowell, Ariz., and vicinity; and M. C. Benton, of Bisbee, Ariz., and other citizens, all members of the Improved Order of Red Men, favoring the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Groom Creek, Ariz., for enactment of the Berger old-age pension bill; to the Committee on Pensions.

Also, memorial of E. B. Moore and others, holding certain United States obligations referred to in House bill 17485, by Mr. VOLSTEAD, of Minnesota, protesting against the passage of said bill; to the Committee on the Public Lands.

By Mr. HEALD: Petitions of members of executive committee of Daughters of American Revolution of California, and by the chairman of the Committee on the Welfare of Women and Children of the State of California, urging the establishment of a children's bureau; to the Committee on Labor.

Also, petition of 54 citizens of the State of California, for enactment of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. HENRY of Connecticut: Petition of shoe merchants of the first congressional district of Connecticut, protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of C. C. Crismon, F. J. Nichols, and other assayers of Salt Lake City, Utah, protesting against House bill 17033; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Ogden, Utah, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Joseph Wittmer and 30 other citizens of Hurricane, Utah, urging the establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Utah, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. JAMES: Petition of citizens of the State of Kentucky, for the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Papers to accompany bills for the relief of Theodore T. Dondall and James J. Walsh; to the Committee on Pensions.

Also, memorial of the California Club of California, Civic Department, San Francisco, indorsed by the Local Council of Women, the To-Kalon Club, the San Diego Club, the Woman's Improvement Association of Pasadena, the Wednesday Club of San Diego, the Burlingame Women's Club, the Hanford Woman's Club, the Coalinga Ladies' Improvement Club, the Civic Association of Los Angeles, the Entre Nous Club, the Sonora Valley Woman's Club, the Eureka Civic Club, the Glendora Woman's Club, the Woman's Club of Arcata, the Laguna Honda Parent Teacher Association, the Wednesday Morning Club of Riverside, the Women's Improvement Club, the Avon Club, the Irwindale Miscellany Club, the Woman's Civic Club, the Raymond Improvement Club, and the Current Events Club, advocating and asking that Congress appropriate funds for the enforcement of the white-slave traffic law; to the Committee on Appropriations.

Also, papers to accompany bill granting a pension to Harry Hall; to the Committee on Pensions.

Also, papers to accompany bill granting a pension to Althea J. Boyd; to the Committee on Invalid Pensions.

By Mr. LANGHAM: Petitions of Granges Nos. 563, 573, 625, and 1396, Patrons of Husbandry, and individuals of Clarion County, Pa., for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Memorial of the Maritime Exchange of New York City, indorsing the action of Congress with respect to the battleship *Maine*; to the Committee on Naval Affairs.

Also, petition of Maurice Simmons, commander in chief of the United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, memorial of the Los Angeles (Cal.) Chamber of Commerce, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Corning (N. Y.) Business Men's Association, for enactment of House bill 17736, relative to postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of William H. Craig and other residents of Whittemore, Mich., for congressional investigation concerning prosecution of the editors of the Appeal to Reason; to the Committee on Rules.

By Mr. McCALL: Petition of George A. Lancaster, of Revere, Mass., favoring an inquiry into the increased cost of anthracite



coal, and into methods of adapting bituminous coal to domestic use; to the Committee on Rules.

By Mr. McKELLAR: Petition of citizens of Memphis, Tenn., asking the building of one battleship in Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Memphis, Tenn., for enactment of House bill 16450; to the Committee on the Judiciary.

By Mr. McKINNEY: Memorial of the Retail Merchants' Association of Moline, Ill., favoring the increase of the amount appropriated in the Army bill for the manufacture of small arms at the Rock Island Arsenal; to the Committee on Military Affairs.

Also, petitions of the Zuma Methodist Episcopal Church, of Rock Island County, Ill., and the Zuma Woman's Christian Temperance Union, favoring the speedy passage of the Kenyon-Sheppard interstate liquor shipping bill; to the Committee on the Judiciary.

By Mr. MANN: Petition of board of directors of the Chicago Live Stock Exchange, favoring the passage of House bill 20231, amending the oleomargarine law; to the Committee on Agriculture.

By Mr. MONDELL: Petition and memorial of members of the Park County (Wyo.) Farmers' Association, in favor of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of numerous citizens and taxpayers of Cheyenne, Wyo., protesting against the enactment of House bill 17485, relating to the use of land scrip; to the Committee on the Public Lands.

Also, petition of many citizens and taxpayers of Converse County, Wyo., protesting against the enactment of House bill 17485, relating to the use of land scrip; to the Committee on the Public Lands.

Also, petition of numerous voters and citizens of Wyoming, protesting against the introduction of the Taylor system into the navy yards and arsenals of the Government; to the Committee on Naval Affairs.

Also, petition of members of the Baptist Church of Sheridan, Wyo., urging the passage of House bill 16214, to withdraw interstate-commerce protection to liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, petition of members of the Methodist Church of Sheridan, Wyo., urging the passage of House bill 16214, to withdraw interstate-commerce protection from liquors shipped into "dry" territory for illegal purposes; to the Committee on the Judiciary.

By Mr. MOTT: Memorial of Volney Grange, No. 165, Patrons of Husbandry, of Fulton, N. Y., against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, memorial of Volney Grange, No. 165, Patrons of Husbandry, of Fulton, N. Y., in favor of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of Los Angeles (Cal.) Chamber of Commerce, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of members of the International Apple Shippers' Association, in favor of House bill 17936; to the Committee on Coinage, Weights, and Measures.

Also, petition of the Corning (N. Y.) Business Men's Association, for enactment of House bill 17736; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: Petition of the Woman's Christian Temperance Union of Modesto, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PATTEN of New York: Memorial of the Maritime Exchange of New York City, indorsing the action of Congress with respect to the battleship *Maine*; to the Committee on Naval Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New York State Senate, for construction of one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of the Brooklyn League, for construction of one battleship in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of Camp No. 10, Department of New York, and Camp No. 49 and Municipal Council, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: Petitions of sundry citizens of Osceola, Hartsdale, Phillipsburg, and Dubois, Pa., protesting against the passage of House bill 14060, known as the Richardson bill; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Memorial of the Jobbers' Association of Sacramento, Cal., protesting against reduction in the tariff on sugar; to the Committee on Ways and Means.

Also, petition of Mary Fenton, of San Francisco, Cal., in favor of House bill 20423; to the Committee on the Judiciary.

Also, petition of 46 citizens of Sutter Creek, Cal., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of the Los Angeles (Cal.) Chamber of Commerce relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Memorial of the Los Angeles (Cal.) Chamber of Commerce relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of New Haven, Conn., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of New Haven, Conn., for enactment of House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, memorial of Lodge No. 25, Independent Order B'nai B'rith, of New Haven, Conn., indorsing House bill 9242; to the Committee on Reform in the Civil Service.

By Mr. REYBURN: Memorial of Los Angeles Chamber of Commerce against charging American ships toll in the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Memorial of the Los Angeles (Cal.) Chamber of Commerce relative to Panama Canal tolls, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Edward Ryan, of Keansburg, N. J., for passage of House bill 21530, for the relief of Frank Bowers; to the Committee on Claims.

Also, memorial of the Chamber of Commerce Association of Beardstown, Ill., protesting against granting any permit to increase the flow of waters of Lake Michigan down or through the valley of the Illinois River; to the Committee on Rivers and Harbors.

Also, memorial of the Pennsylvania Library Club and the New Jersey Library Association, for enactment of House bill 19546; to the Committee on the Post Office and Post Roads.

By Mr. SIMS: Petitions of citizens of the State of Tennessee, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: Petition of John Stanfield and other citizens of Colden, N. Y., favoring the Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: Petition of citizens of Eastland County, Tex., for amendment to the postal savings bank act; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Memorial of Los Angeles (Cal.) Chamber of Commerce, against charging American ships toll for passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Prof. Clarence G. Child, favoring House bill 13240; to the Committee on Foreign Affairs.

Also, memorial of Buffalo Chamber of Commerce, of Buffalo, N. Y., in favor of legislation to improve the foreign service; to the Committee on Foreign Affairs.

Also, memorial of Akron Chamber of Commerce, of Akron, Ohio, indorsing House bill 20044 for the improvement of foreign service of the United States; to the Committee on Foreign Affairs.

Also, petition of Corning (N. Y.) Business Men's Association, favoring House bill 17736; to the Committee on the Post Office and Post Roads.

Also, petition of George Baker, favoring the extension of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of National Marine Engineers' Beneficial Association of New York, favoring Senate bill 2117; to the Committee on Naval Affairs.

Also, petition of Jacob J. Cohen and 15 other citizens of New York City, favoring House bill 17253; to the Committee on Ways and Means.

Also, memorial of Maritime Exchange of New York, favoring the Marine Hospital bill (S. 2117); to the Committee on Naval Affairs.

By Mr. TAYLOR of Colorado: Petition of homestead settlers in the Estancia Valley, N. Mex., praying for the enactment of a three-year homestead law; to the Committee on the Public Lands.

By Mr. TILSON: Memorial of the State Board of Education of Connecticut, in opposition to legislation for cooperation of the Federal Government with States in encouraging instruction in agriculture, etc.; to the Committee on Agriculture.

Also, petition of Grange No. 151, Patrons of Husbandry, of Enfield, Conn., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Petition of H. J. Wheeler, Eugene Appleton, A. E. Stene, and T. K. Winsor, favoring House bill 18000, to regulate the importation and interstate transportation of nursery stock; to the Committee on Agriculture.

Also, petition of Laurel Grange, No. 40, Patrons of Husbandry, of Laurel, R. I., favoring the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Laurel Grange, No. 40, Patrons of Husbandry, Rhode Island, protesting against the oleomargarine bill to reduce the tax and permit it to be colored in imitation of butter; to the Committee on Agriculture.

By Mr. WILSON of New York: Memorial of the Maritime Exchange of New York City, indorsing the action of Congress in respect to the battleship *Maine*; to the Committee on Naval Affairs.

## SENATE.

MONDAY, March 25, 1912.

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, who in life and in death givest us the victory and in every experience leadest us in triumph in Christ, lighten the sorrows of our hearts this day, we pray Thee, that by Thy grace we may be more than conquerors through Him that loveth us. And unto Thee, whose grace is ready to help in time of need, will we render praise now and for evermore. Amen.

FRANK B. BRANDEGEE, a Senator from the State of Connecticut, took the chair as President pro tempore under the previous order of the Senate.

The Journal of the proceedings of Friday last was read and approved.

INTERNATIONAL HARVESTER CO. (S. DOC. NO. 454).

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney General, transmitting, in reply to Senate resolution of March 16, 1912, information that it is not compatible with the public interests to lay before the Senate the information therein requested.

Mr. BACON. I desire that we may be informed what the reply is. We can not judge from the statement. I ask that it be read.

The PRESIDENT pro tempore. Does the Senator from Georgia desire to have the original resolution read?

Mr. BACON. I want to have the matter the reply concerns read.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 250) adopted by the Senate March 16, 1912, as follows:

Whereas it is reported that there is pending before the Department of Justice a settlement between the United States and the International Harvester Co., by which the so-called Harvester Trust may be permitted to reorganize and to bring its organization and business within the Sherman antitrust law as construed by the Supreme Court: Therefore be it

Resolved, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information he may have upon this subject, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto, from January 1, 1904, to the present time.

Mr. BACON. Now let the response be read.

The PRESIDENT pro tempore. The Secretary will read the response of the Attorney General in full.

The Secretary read as follows:

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., March 20, 1912.

THE PRESIDENT OF THE SENATE.

Sir: I am in receipt of a copy of a resolution adopted by the Senate March 16, 1912, reading as follows:

"Whereas it is reported that there is pending before the Department of Justice a settlement between the United States and the International Harvester Co. by which the so-called Harvester Trust may be permitted to reorganize and to bring its organization and business within the Sherman antitrust law as construed by the Supreme Court: Therefore be it

Resolved, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information he may have upon this subject, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto from January 1, 1904, to the present time."

In reply I am directed by the President to say that, in my opinion, it is not compatible with the public interests to lay before the Senate the correspondence and information relating to the International Harvester Co. in the possession of this department, nor the correspondence,

information, and reports of the Bureau of Corporations relating thereto. These are matters pertaining entirely to business which is now pending and uncompleted in this department.

I have the honor to be,

Very respectfully, yours,

GEO. W. WICKERSHAM,  
Attorney General.

Mr. BACON. Mr. President, I do not suppose that it would be a matter for discussion now, but I am unwilling for any such answer as that to be sent to the Senate of the United States by the head of one of the departments without its receiving an expression from at least one Senator that that officer entirely misunderstands his relation to this body, and that he has no right to send any such response to this body. If there are reasons, they ought to be communicated to the Senate in an entirely different way and in an entirely different tone.

The Senate of the United States has the right to ask for any paper in any executive office, and it has a right to have that paper produced or the reasons therefor communicated in a very different tone from that in which the Attorney General has seen fit to address to the Senate.

Mr. President, we have had this question discussed in the Senate before. It has been discussed in the Senate some 25 years ago, when probably there were present not more than one or two who are now Members of this body. The matter has been very fully discussed, both then and since then, and there has been an expression on the subject from those who antedated us, men than whom in learning and ability there have been none more prominent in this body in the last half century.

It is not the first time, Mr. President, that the Senate has directed the head of a department to furnish the Senate with information when it was not deemed expedient for that information to be furnished; but that fact was communicated to the Senate in a very different way. I recall myself an instance in which, during the Spanish War, I introduced a resolution which called for certain information from the War Department. Mr. Alger was Secretary of War at that time, and instead of returning such a response as that which we have just heard, the Secretary of War came personally to the Senate and called for the then chairman of the Committee on Military Affairs, who was Senator Hawley, of Connecticut, and for myself, the introducer of the resolution. We met him in the Marble Room, and he, in a quiet and proper way, gave us privately the reasons why it would be inexpedient that that information should be furnished and thus made public. We both of us recognized the propriety of the reasons given by him, and voluntarily—I say voluntarily—immediately we so signified to him, and I myself came back into the Senate and asked that the resolution be withdrawn.

Mr. President, that is the proper way for the head of a department to respond to such a requirement from the Senate, and that is the way in which it can be done with proper respect to the Senate and at the same time without anything being done which may be prejudicial to the public interests. If the Attorney General deemed that it was inexpedient that these matters should be made public, it was proper to have communicated to the Senate that fact in a very different tone from the letter which has been read.

Mr. President, the heads of departments have a very erroneous idea, some of them, as to what their relation is to the Congress of the United States. Their offices are not created by the Constitution. They derive no atom of power from the Executive. They are the creatures of the Congress of the United States. They do not exercise a power that is not given to them by the Congress of the United States. They do not possess a power that the Congress of the United States can not withdraw, and the more fully that fact is recognized the better for the relations which are to exist between Congress and the heads of these departments.

Mr. President, that is a response such as I have never before heard in the Chamber to a call for information from one of the departments. The Attorney General does not even go to the extent of saying that he had laid the matter before the President and the President did not deem it expedient to make the information public. If it had been laid before the President and the President did not deem it expedient, it was through the President that the information should have come to the Senate. It was proper for the President to send to the Senate the statement if in his opinion it was not expedient that the information was to be given and thus made public, and we would have all recognized the propriety of the President sending to us such a message. But it is not a proper message for the head of a department to send to the Senate.

Mark the language, Mr. President. It would have been bordering on discourtesy if he had said that the President had instructed him to say that in the opinion of the President it